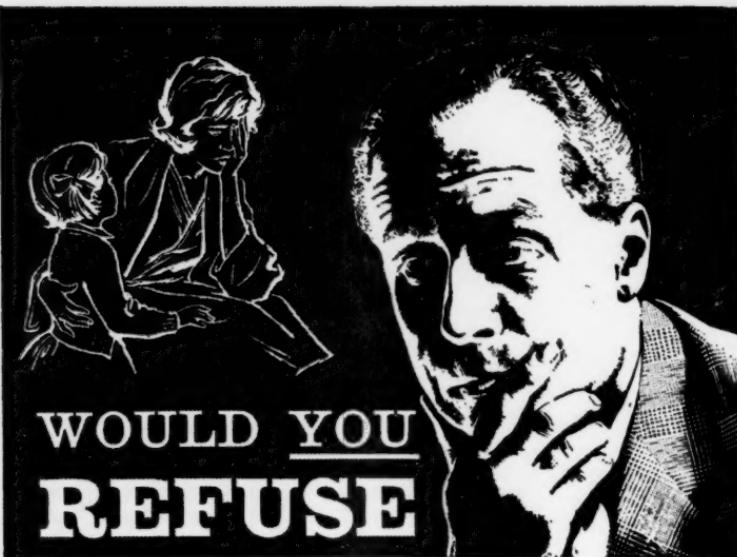


# The Quarterly Review

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JULY 1961

JOHN MURRAY  
FIFTY ALBEMARLE STREET LONDON



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# Family Tapestry

AVERIL STEWART

*author of 'Alicella'*

'Mrs Stewart's charming book about her ancestors . . . . the happiness and constant affections of those whose lives she so lovingly recreates shine through her pages . . . . her feeling for the living past is communicated to the reader.'—*Arthur Bryant in the Sunday Times*

Mrs Stewart in her previous book wrote a Victorian biography of her husband's family. This book records the distaff side of her own, and covers a span of one hundred and fifty years. It begins with a Royal liaison—the love affair of the author's great-great-great grandmother, a Court beauty in the reign of George III, with the King's brother the young Duke of Gloucester. Their daughter, never acknowledged, was fostered by the Duke's dairyman, and she in 1799 eloped with a soldier—later to become Lord MacDonald—by whom she had thirteen children. From there until the 1880's Mrs Stewart's 'tapestry' gives vivid pictures of the Peninsular War, of the American war of 1812 and of social and political life on the Liberal side. Here is a vivid record of great events with the unusual domestic background of country house life and of large and lively families with strong characteristics persisting through the generations.

*With illustrations 21s net*

JOHN MURRAY

## THE MOOD OF EUROPE, 1961

WHEN Mrs Roosevelt predicted in 1959 that 1960 was going to be Africa's year she scored a bull's eye: in 1960 Africa did indeed cast its long shadow over the fortunes of Europe, and it has continued to do so in 1961. Not only this country was entangled in 1960 and 1961 in various African plots and knots but also France felt the full impact of changes on that Continent, and the interminable problem of French politics, Algeria, has not been solved by the spring of 1961. Belgium was seriously affected by her hasty retreat from the Congo, which left the country unprepared for the sudden blessing of independence, and resulted in it being plunged into chaos and the martial acts of warring factions. Portugal, which stuck to the policy of extreme paternalism *vis-à-vis* its African possessions, experienced the first pangs of discontent on the Dark Continent and saw the policy she had considered safe and wise dangerously undermined.

The impact of African events on Europe, especially on France and Belgium, had retarded some developments; it definitely hampered France in the full deployment of her European policy. Any solution of the thorny—but let us hope not intractable—Algerian problem will automatically release French energy for use in the European field.

African affairs were not the only external pressure exerted on Europe: the U.S. Presidential election provided another. There is no doubt that Europe waited for the result of those elections, and that the majority of people expected Mr Kennedy to win—this in spite of the fact that Europe could not expect to match his youth with a team of young or younger statesmen. The only bright young man is Willy Brandt, Berlin's Burgomaster, considered by many in West Germany the only man who can beat Adenauer at the election game. But for the time being the younger generation in Europe is almost mute, and the completely young one shows a good deal of indifference towards political problems (with, perhaps, the exception of disarmament).

Although Europe watched the American election with keen interest and wished Mr Kennedy good luck (in the hope that he would bring about a renewal not only of American policy but also

the much needed reaffirmation of U.S. leadership of the free world), it was not an anxious vigil; and in this we can perceive a sign of a great change in Europe's status and self-confidence. She expected a new lead from America, that is true; but not a salvation as in 1946 or 1948. And when news about American financial unrest came, and when it was America's turn to embark on an errand to Europe to seek a lightening of its financial burden, when the *Deutsche Mark* came to the rescue, Europe felt that an act of historic justice was performed and that after a long period of European decline the scales had been weighted in favour of this harassed but miraculously rejuvenated Continent. Europe ceased to be America's dependency, and it entered the new decade with a fresh sense of pride and purpose.

I mentioned two outside pressures exerted on Europe: Africa and the U.S. election. Even if we now add a third one, which loomed so large in previous decades—the threat of Russia—we can accord it the honour of only third place. This is, of course, an enormous gain from the point of view of the health and strength of Europe (we have, unfortunately, to leave East Europe out of our considerations; there Russian pressure has been, naturally, a constant, round-the-clock reality).

War alarms have further declined in 1961 and the stirrings of popular protests against A- and H-bombs have assumed vaster dimensions: not only this country has its Aldermaston marchers but also West Germany, Denmark, and Norway have demonstrated that popular awareness of the diabolical threat has been gaining ground, and that dislike of the very presence of nuclear weapons among us is growing in Europe. It has been assumed that the bellicose wording of the Warsaw Pact communiqué, with its stress on the solution of the Berlin problem, amounted to a manoeuvre by Moscow to appease the East German régime, which has every reason to feel itself weakened (during Easter, 1961, about 7,000 people crossed from the German Democratic Republic to the West). People in West Europe do not expect Russia to press too impatiently for the solution of the Berlin question. That is why one can speak in the middle of 1961 of considerably diminished Russian pressure on West Europe. Neither the postponement of any talks with Russia nor of a summit meeting of a *tête-à-tête* of Mr. Khrushchev and President Kennedy were treated with any sign of

alarm, let alone panic, in Europe. This again contrasts with her attitude only two years ago, and that symptom is yet another proof of regained vigour and self-assurance.

For France, Algeria has been the main problem in 1960 and is likely to remain so in 1961. The months that passed had demonstrated *ad oculos* the strength of the opposition among the French—both in Algeria and in France proper—against the solution envisaged by de Gaulle. These elements are in a minority but they are fanatical and will not shrink from acts of violence. Not only was Algeria the scene of disturbances but also France itself had witnessed a long series of outrages. Not only *colons* on the spot and right-wing organizations in Algeria were doing their bit to frustrate any negotiations with the Algerian insurgents (F.L.N.), but also French die-hards and extremists have been contributing their share to that intransigence. De Gaulle's conduct of the Algerian problem was marked by patience and endurance; he had to discard his previous conception of a 'third force' in Algeria on which he could rely; and led by realistic considerations he steered his course towards negotiations with the Provisional Government for Algeria. This pragmatism seems astonishing in a man so often accused of rigidity and adherence to a set of 'principles.' The obstinacy with which he slowly forced his viewpoint of an independent Algeria linked—if she desires so—with France commands respect, for it is clear that he was taking that course against the wishes of some important sections of his nation and even against his own previous plans and expectations. To take such an action *contre cœur* is an act of courage; an extremely difficult one for an ardent patriot like de Gaulle, a man inspired by a vision of France's *grandeur*. Such wisdom and statesmanship is akin to that most difficult triumph: victory over oneself.

There is a feeling in France that in spite of the innumerable obstacles 1961 will see, if not a complete agreement with Algeria, the beginning of a compromise. It is recognized that no one but de Gaulle could lead the country towards such a solution; no politician of lesser calibre and authority could overcome the hesitations of some and the open hostility of other sections of the population. 'If we lose de Gaulle now,' one is often told in France, 'we will forfeit our stability, our peace in Algeria, our growing prestige.'

On other planes de Gaulle's policy is often open to criticism: it is felt that his stand on the N.A.T.O. issue is too rigid—he seems to have lost interest in N.A.T.O. from the moment Washington and London cold-shouldered his idea of a political directorate of three Powers inside N.A.T.O.—and that President Kennedy's trip to Paris (regarded by many French people as a personal triumph for de Gaulle and a recognition of France's rising stature) will clear the air on that count. The Paris-Bonn axis which looked firm at the outset of 1960 appears less solid to-day. For this deterioration the different attitudes assumed by France and Germany to N.A.T.O. and America (and also to Britain) can be blamed: Germany wants an even greater unity of the Atlantic alliance and often speaks about an 'Atlantic Federation'; German Federal Republic wants to be a model member of the Western alliance and she cherishes her links with the United States more than France cherishes hers with Washington, behaving rather like the problem child of the Western alliance; Adenauer wants to see a greater political cohesion of the 'little Europe.' At the time of writing these remarks it was thought that the problem of France's participation in N.A.T.O. was to be given high priority in the Kennedy-de Gaulle talks. The new American President is also known to be an enthusiastic supporter of West European unity and integration.

In spite of the drain on France's treasury—though it is considered in France that the expenses connected with the Algerian war diminish as the scale of operations is reduced—French economy has been in a flourishing state. Between 1949 and 1959 national income rose from 402 to 616 billion francs. During the last four years wages rose by 25 per cent.; in 1960 production advanced by 8 per cent. France has performed an 'economic miracle' of her own, certainly much less spectacular than Germany's but still impressive. What are the reasons for that regeneration? It is argued that French nationalized industries—France has nationalized them on a much greater scale than any of the so-called capitalist countries—are very efficiently run. Some experts point to the fact that war in Algeria has been, after all, not as ruinous as bare statistics lead us to believe: for France has not fully contributed to the defence of the West. Her defence expenditure in 1959 was lower than that of Great Britain. The position in the countryside is much healthier now and war in Algeria

assisted in the modernization of a number of industries. The devaluation of the franc helped exports; inflation was stopped and prices—though still too high and sometimes even prohibitive for foreign tourists by whom France is considered the most expensive country in Europe—did not creep up last year by more than 3·5 per cent. These factors seem to contribute to the remarkable French economic *redressement*. During the last few years France has been increasingly drawn into the sphere of world trade: while in England 25 per cent. of the gross national product was channelled into exports, 30 per cent. in the German Federal Republic, 40 per cent. in Holland, and 60 per cent. in Switzerland, France could only boast of 15 per cent. Now the tendency to expand France's external trade is growing.

In turning towards the German Federal Republic it should be stressed again that its foreign policy has been more favourably disposed than that of France both towards N.A.T.O. (and the American alliance) and towards political integration of the 'little Europe.' Relations with Great Britain attained a slightly higher temperature. Federal Germany was keener than France on searching for a formula which would help in ending the differences between the Six and the Seven. Also, tentative steps were made to establish some kind of *modus vivendi* with Poland, initiative of enormous importance in view of the frontier problem and of the recognition of the Oder-Neisse line. But the trip to Warsaw by Herr Beitz, Krupp's own representative, was frustrated by the attitude of the Polish Government.

For Federal Germany 1961 is, of course, an election year, and Adenauer is regarded by many as a safe bet—with the rider that after two years of renewed Chancellorship he will retire and hand over the steering wheel to his successor, Herr Strauss, the Defence Minister. Strauss is taken seriously as Adenauer's heir; Professor Erhard, it is argued, has faded in Adenauer's eyes as *der Alte*, though appreciating his mastery of the economic problems, suspects his political wisdom. But this time the challenge of youth—by which I mean Brandt—will be felt during the elections; Brandt has revitalized West German Socialism and provided the movement with the leader it badly needed. West German Socialism has revised its programme, streamlining it according to the needs of

the affluent West German society. The programme has little resemblance to Marxist tenets, but whether it will win the approval of the voters remains to be seen. Many Germans have invested faith and confidence in Adenauer and the stability of his régime, and as they 'never had it so good' they are rather reluctant to risk a change.<sup>1</sup>

The German *Bundeswehr* stands to-day at 340,000 men, out of which 220,000 are professional soldiers, or those enlisted for a long period, and 134,000 recruited from national service. On top of that, the armed forces include 130,000 officials (*Beamte und Angestellte*). This year the level of the *Bundeswehr* will rise by only 14,000: this proves how difficult it is to strengthen the manpower of the army in view of the *Hochkonjunktur* on the labour market. Until now about 33 billion DM were spent on armaments (21 billion on installations, *Investitionen*). In 1961 11 billion DM will be spent on defence.

The revaluation of the DM was defended by Professor Erhard on three grounds: it would slow down the present boom without reversing existing economic trends; it would cheapen imports and stabilize the internal purchasing power of the mark; it would ease the German balance-of-payments problem arising from the present large gold and dollar surplus, without damaging German export trade. Revaluation of the DM became certain when America decided not to devalue the dollar.

Many people in Europe saw in this German financial move 'the penalty Germany had to pay for her prosperity,' but in Germany itself the step was greeted with mixed feelings (reservations were voiced by the shipbuilding and coalmining industries). We have to wait and see how the measure will influence Germany's economic fortunes. The DM has been established as Europe's hardest currency. The influx of foreign capital and deposits during the last six months or so has been so extensive that foreign depositors now receive no interest on their deposits. After anxiety connected with the dollar had blown over and the DM was revalued, considerable

<sup>1</sup> Unemployment fell in April, 1961, to 163,000 compared with 260,000 at the same period last year. On April 1, 1961, there were 578,000 vacant jobs, or 125,000 more than a year ago. West Germany had to 'import' 600,000 workers from abroad to relieve an acute labour shortage. In 1960 about 600,000 flats were built; in February, 1961, 3% more flats were built than in February, 1960.

sums left West Germany on their way back to the U.S. and other countries. Still foreign currency reserves in the German Federal Republic rose in March, 1961, by 300 million dollars. Germany was the leader in the team of five European countries sailing under the banner of 'boom' (German Federal Republic, Switzerland, Italy, Austria, Holland).

Germany defended itself against the accusations of excessive wealth. The President of the *Bundesbank* said that the German Federal Republic now has less than 10 billion DM of foreign assets, whereas before World War II the Reich had 25–30 billion invested abroad (British foreign investments are estimated by the Germans at 26 billion DM). Even so, Professor Erhard and others admitted that the Germans have a moral obligation to help the underdeveloped countries. It seems that German economic policy will concentrate in future on that task, another proof of Europe's vigour. We have to reckon with Germany actively entering the field of aid to underdeveloped countries alongside the U.S., Great Britain, and France.

The anti-Semitic rash of which Germany was accused over a year ago has disappeared as quickly as it made its appearance, and it can now be safely assumed that in fostering that action forces were at work which wanted to discredit the German Federal Republic on the international forum and disrupt Germany's relationship with the U.S. (fully aware of the influence of the Jewish element in the States).

Though Herr Beitz's mission to Poland misfired, it gave food for thought to those who had been pondering on problems about reunification and the former eastern marches of Germany. The cleavage between East and West Germanies grows with the passing of each year. Militant gestures by Pankow towards West Germany have been dropped; trade links were allowed to be picked up; fewer and fewer people talk about chances of *Vereinigung*. Even politicians seem to be rather tired of that subject, though they feel in duty bound to harp on it in their pronouncements. *Heimatsvertriebene*, refugees, have been accommodated, the new generation of expellees have almost forgotten their former *Heimat*. Increasingly few people want to return to the old provinces of the Reich; time is healing the wounds of nostalgia. The *Drang nach Osten* seems to be doomed; one should reckon

rather with a *Drang nach Westen*. West Germany wants to be fully integrated into West Europe, and there are no signs of a reversal of German policy, of any yearning for a new version of Rapallo. Russia cannot lure Germany with talk of a return of her former possessions: even such a bribe would not induce West Germany to vote for adventure and side with Moscow. This should be recognized as an event of historic importance.

For Italy, this year has been the year of the centenary of *risorgimento*. This anniversary prompted many to have a long look at present-day Italy and ask whether the changes enacted in the past hundred years were far-reaching enough. Has Italy been able to create a fully conscious nation? Does she not present a case of 'two nations,' of the conscious North which still keeps the lead and of the depressed South still in the doldrums of poverty, illiteracy, and neglect? As one Italian historian said about the work of Cavour—significantly, his memory is less esteemed in Italy than the memory of Mazzini and Garibaldi—*L'Italie faite il restait à faire les Italiens*; but this thesis is being refuted by those who say that Italy's variety constitutes her strength and that it is actually a blessing that the country did not produce a uniform type of citizen. The difference between North and South, they maintain, generates a useful creative tension.

Politically, Italy is in a state of slight lethargy: all parties are affected either by dissension, lack of cohesion or lack of leaders. Communists are unlikely to regain their lost momentum. The crisis within the fold of Italian Socialism remains unresolved. The South Tyrol quarrel was not made into an international issue. Europe has grown obviously too small for national minority strifes.

There is every reason to believe that 1961 will be for Italy a year of further economic expansion and that she will greatly benefit from the growth of the Common Market. Italy's industrial production rose in 1960 by 15 per cent.; and is likely to rise even more in 1961, making Italy the most dynamic European country in the field of economic progress. Italian surplus labour is finding an outlet in France, Switzerland, and, above all, in Germany.

Spain moved slowly but steadily towards economic equilibrium during 1960; the devaluation of the peseta, the help extended by O.E.E.C. and American capital flowing into Spain (as well as U.S. money financing the huge military installations), the constant in-

crease of foreign tourism—all these factors contributed to steadyng Spain's economic position. Politically, the country is slumbering and paralysed by the paramount fear of repetition of civil war, expecting changes to be introduced by the decision of Franco. It is assumed that the Pretender's son will ascend to the throne: but when? Franco does not want to disclose the shape of things to come. This suspense emphasizes a curious phenomenon in Spain: a mixture of apathy and unrest. The latter cannot be alleviated until the position regarding the future king is clear. The expectations that the Catholic hierarchy would take some action to end the deadlock, and to speed up transition towards a more liberal rule, were dashed; and though it is recognized that the Catholic Church in Spain tends to dissociate itself from Franco, little has been done until now to intensify hopes of more energetic action. The 'trial of the intellectuals' in Madrid in March—when seven were acquitted—testified to a change of climate.

While Spain was not shaken by a major disturbance, and any rumblings that might yet come must be of an underground nature, Portugal was suddenly pushed into the limelight both by the *Santa Maria* affair and by violence in Angola. The Salazar régime 'received the sort of publicity which for years it has succeeded in avoiding,' as one British journal put it. Salazar is dedicated to two principles: that politics is not a pursuit for ordinary mortals; and that thrift in the domain of finance is the highest virtue. His régime is a professor's dream come true: but with the dictator's grip getting less firm and people becoming wearied by political stagnation a day may come for the forces of the opposition to manifest themselves. Portugal was caught napping, and though the Portuguese maintain that they have no colonies, only provinces like Angola, their position there is now undermined. The loss of her overseas possessions would be disastrous to her economy.

For Belgium the past year was a period of almost unmitigated disaster. It is now generally accepted that the retreat in the Congo was done in unholy haste, and for this public opinion blames the Socialists' insistence on speedy evacuation. Belgium was not praised for her readiness to grant independence to the Congo but blamed only for the chaos left in the wake of her retreat. The rather belated austerity measures which released the strike wave in Belgium were obviously not to the taste of the masses. The strikes, which

dangerously played the game of, if I may be permitted to use such an expression, social brinkmanship, have again shattered Belgium's unity. But then every crisis in that country—as previously the Royal issue—is likely to touch the ethnographic problem and to reveal the schism between the Walloons and the Flemish. But while every crisis reaches the rock-bottom of the ethnographic duality, it also brings at the eleventh hour the appreciation of benefits which a frontier State confers on its sometimes quarrelling citizens; and they retreat before the spectre of a final split.

Observers are inclined to judge the economic policy of her post-war Governments more severely now than before, when Belgium's *laissez-faire* economy was reaping rich harvests. They think Belgium went too far in her liberalism and that the country was unprepared for the secession of the Congo. One is often asked in Brussels whether the Congo's defection will bring to Belgium the same protracted tribulations that the loss of her overseas Empire brought to Holland. At the same time people point to the fact that Holland had succeeded in absorbing the shock and that Belgium could do so equally well.

For Holland this was yet another year of patient efforts to raise the standard of living, and the Government crisis was brought about by the problem of housing. Although 850,000 houses, housing three million Dutch people, have been built since 1945, the shortage is still considered acute. This shortage can be attributed to an increase in population (since 1945 the number of Holland's inhabitants increased by over two millions: she now has a population of 11,500,000). The Government assures the country that by 1965 the housing problem will be solved, and everybody who had an opportunity of seeing Dutch towns, and the mushroom growth of new houses, is inclined to believe those assurances. English and American capital is looking for investments in Holland (the I.C.I. is planning to invest about 100 million dollars in its Dutch plants). During the recent 'dollar fever' considerable sums from foreign countries have sought refuge in Holland.

Denmark did not draw upon herself the attention of the wide world, and politically she is continuing her qualified adherence to N.A.T.O. In her *Folketing* the problem of atomic weapons was thrashed out, with emphasis on the theory that 'Polaris' and similar developments make N.A.T.O. foreign bases superfluous. Foreign

Minister Krag spoke against storage of A-weapons; 'Polaris' U-boats will not be invited into Danish waters. Denmark is anxious to remain a bridge between East and West—a pious hope shared with other countries, like Austria. News that Finland is to join European Free Trade Association (E.F.T.A.) was welcomed in Denmark; and it was rumoured that both Iceland and Greenland would follow suit.

Switzerland was engrossed in her internal affairs and watching keenly the fluctuations of the DM and of the dollar. She denied suggestions about an impending revaluation of her franc. The country is living through a steady phase of *Hochkonjunktur* (in March, 1961, Switzerland's foreign currency reserves rose by 500 million dollars), and foreign tourism seems to be establishing new records every year. Switzerland is suffering from a labour shortage: in 1960 the workers' army increased by 43,000—out of which only 5,000 were Swiss. But foreign workers are clamouring for better social services.

Switzerland and Sweden are certainly the only two countries in Europe—probably in the whole world—best prepared to face the onslaught of an atomic war. Switzerland has extensive underground storage places likely to withstand A-blast and she is also equipped with A-shelters; Sweden, built on a granite base, is doubtless even more advanced in that grim domain. It is an ironical comment on the situation that both countries remain strictly neutral.

Scandinavia had a quiet, uneventful year, practically her only venture into international affairs being despatch of contingents to the Congo. The same applies to Ireland, which has advanced into world prominence by producing both an able President of the U.N. General Assembly (Boland) and a C.-in-C. of the U.N. units in the Congo. Participation in the Congo affair has stirred Irish imagination, and it has drawn the country—still too cramped in international enterprise—out of its slightly parochial and provincial atmosphere.

Austria's political pattern was confirmed by the new Government where the old coalition practised since the war resumed power; in Austria no new political alliances can be devised. The balance of power between *Volkspartei* (Catholics) and Socialists has been maintained, and no great changes can be expected. In this Austria resembles many European countries.

Building activities—partly designed to attract foreign tourism—have not diminished. New hotels have sprung up in the Tyrol and in Salzburg, a new Vienna airport (Schwechat) has been completed, a new motor-way now links Salzburg with Vienna and another runs along the Danube (Wachau highway). These and other achievements confirm the impression that Austria has its bread buttered on both sides. Economically, her adherence to E.F.T.A. brings undoubtedly benefits, though 50 per cent. of Austria's trade is directed towards the countries of the Six. That is why many Austrians regard E.F.T.A. as a stop-gap arrangement and are already looking to the time when a merger of E.F.T.A. and E.E.C. will materialize.

Turkey went through a bad phase. Her value as an ally of the West has been morally impaired because the *coup d'état* revealed the instability of her régime, and also the extent of popular discontent and of official corruption. The take-over by the military was in keeping with the tradition so often observed in East and South-East Europe. While the initial impulse of the revolt was encouraging—demonstrating that the young people of the 'sixties vote for freedom while the young people of the 'thirties so often voted for Fascist or authoritarian movements; a change Europeans can take heart from—the subsequent developments were of a less edifying character (the trial of the former President and of the Government).

While Turkey has lost a good deal in weight as a member of the Western alliance—though her loyalty to the Western cause cannot be doubted and the excellence of her army is above suspicion—Greece has gained by the solution of the Cyprus problem which had bedevilled her relationship with the world for years and by joining the E.E.C. More than 50 per cent. of Greek exports already went to the Six Countries, which in turn supplied more than 50 per cent. of the total Greek imports. Greece wants to have an assured market for her agricultural products and, most important, the tobacco on which her economy is largely based. The Six are ready to grant to Athens substantial help in developing her industry. In the *World of Today*, April, 1961, Mr J. R. Lambert justly stresses the importance of the move:

On the one hand it will inevitably set a significant precedent in its general structure, if not in its detailed economic terms. Any country wishing to conclude a similar agreement will have to bargain just as

the Greeks have done to get the best terms possible from the Six . . . but it will know that an agreement is possible.

Some observers are expressing the opinion that Turkey may follow Greece's example (and the adherence of Spain is also envisaged).

In some E.F.T.A. countries the view is that the association will not be able to stand up to the pressure of time and that it may even dissolve under the impact of E.E.C. dynamism. Figures for capital investment in underdeveloped countries show that in 1959 France invested nearly double the British amount; the German figure exceeds the British, and the Benelux countries have done half what Britain has done. The Common Market countries together (without Italy, which needs all her capital) invested \$2,500 million.

These are highly encouraging portents which forecast that West Europe will sail towards further prosperity: the affluent West European society readily dismisses thoughts of war as a fantastic nightmare and passionately yearns for disarmament. Interest in political and ideological issues is steadily declining, and the *homo politicus* of 1930-45 is on the way out. All over Europe the lines dividing political parties become blurred. Though the chances of a real *détente* between East and West are treated sceptically it is nevertheless recognized that the Chinese potential will weigh on Russia increasingly and that, faced with China's expansionism and revolutionary zeal—comparable with that of the Soviet Union of the 'twenties—Moscow has to seek, whether she likes it or not, some sort of settlement with the West. It is also generally accepted on the Continent that Communism as a political creed is almost, maybe completely, dead in Russia, and certainly did not take root in East Europe, where it has been compromised as an ineffectual economic system which has failed to deliver the goods. Communism in West Europe has lost for ever its impetus; in East Europe it has been defeated by its own inefficiency in the economic sphere and by the contempt of the nations on which Moscow wanted to impose a system inferior to their cultural traditions.

This victory should be added to the already impressive list of Europe's achievements which helped—only fifteen years after the greatest *débâcle* in her history—to raise the Continent again to an important position in world affairs.

Z. A. GRABOWSKI

## ISRAEL AND THE AFRO-ASIAN STATES

ISRAEL, which is excluded from peaceful relations with her neighbouring Arab states, occupies more and more a central 'good companion' position in groups of independent and sovereign Asian and African nations. The groups include Ghana, Nigeria, Guinea, the French Congo and French Sudan, Mali and Senegal, Liberia and Ethiopia in one continent; Burma, Nepal, Thailand, Cambodia, and Japan in the other. They and many other nations were represented at the international conference last summer in Israel on the theme of Science in the Advancement of States. The Conference was at Rehovot, where Dr Weizmann, the scientist-statesman and first President of Israel, had his residence and his research laboratories, and where the Institute of Science, which he and his friends founded, is dedicated to the application of basic scientific enquiry in a pioneering state. Eminent scientists came from the Big Powers, as from England Sir John Cockcroft and Professor Blackett, two Nobel Prizemen. The purpose of the conference was to bring some of the world's leading scientific authorities into direct and personal contact with the statesmen and other delegates of the new states.

The Rehovot Conference considered the application of science to various aspects of the modern nation; energy and electronics, water and agriculture, nutrition and genetics, health and education. It was an attempt to bring together two key movements of our time, the scientific revolution with its technological achievements, and the liberation from foreign rule of nations with undeveloped resources, and struggling against squalor, illiteracy, and disease. The two main streams of progress flow in separate channels, which do not seem to meet. In Israel a conscious attempt is being made to unite them, and in this effort Israel may be 'a light to the Gentiles.' She has shown how a new state, from her own small resources, can by cooperative methods develop modern scientific agriculture and industry. The scale of her enterprises is more suitable as a model to the struggling Asian and African nations than the costly techniques of the United States; and her highly-developed sense of community offers an example of a collective and cooperative economy without the tyranny of the giant Eastern Powers.

She has overcome in her own territory the natural scarcity and the limitations of 'a niggardly geography'; and so she can fortify the courage and self-confidence of new nations struggling against similar conditions.

Israel has satisfied most of the Asiatic and African states that she is not an instrument of Western imperialist policy, what is now commonly called colonialism. Those states turn to her for the doctors and engineers, the scientists and the administrators, whom they need. They prefer little Israel to the big Western states, whose technicians are tainted, rightly or wrongly, with the stigma of economic imperialism, or to the Soviet Union, whose technical help, as events in the Congo proved, may have to be paid with some political price. The new states admire not only Israel's scientific attainments but also her socialized system of agriculture, industry, and transport. The principle of the Kibbutz, the collective village in which everything belongs to the community, and there is no private property, has an attraction to those peoples which are socialist. The cooperative village of smallholders, in which each family possesses its house and land, not as owner but as tenant of the government, or tenant of the National Fund which acquires land as a trust for the people—and the cultivating, marketing, and credit are effected through cooperative societies, has also its wide appeal. Delegations from many new states have attended conferences and seminars in Israel, concerned with these collective and cooperative systems; and groups of civil and military officers from Burma and Ghana have lived in Israel villages for long periods in order to gain practical knowledge of the systems and to initiate similar movements in their own country. It is notable that several of Israel's diplomats in the African and Asian countries are former members of a Kibbutz. At the same time, a number of Israel economists and social scientists are engaged by the African and Far-Eastern states to help in the management of their infant national industries. They bring to their task a sense of mission, a respect for the national culture, and a determination to understand the character of the people whom they are serving. They are free from the suspicion of wanting to dominate, and make a contribution of brains without asking for any privilege. Four hundred Israelis are now engaged on such missions in Africa, while two hundred Africans are studying in Israel in educational institutions.

The number is to be greatly increased following a resolution of the Rehovot Conference.

At the last Assembly of the United Nations the respect of the African states for Israel was openly expressed by Dr Nkruma, the Premier of Ghana, who appealed to the Arab nations to recognize the reality and statehood of Israel and to come to terms with her. Unfortunately he appealed in vain. The woman Foreign Minister of Israel, Mrs Golda Meir, who has visited all the African countries, has achieved signal popularity, not only because of her sincere personality but because, before the African nations became independent, Israelis were the only foreign people who spoke with them on terms of equality and with a sure faith in the fulfilment of their aspirations. Israel has curiously a sentimental link with the new independent Nigerian nation, that she shares the flag of the Star of David. How that flag first came to the new federal state is not known; but its triangles symbolize the three parts of the vast territory that are united, north, west, and east.

The latest development of Israel's educational enterprise for the people of Asia and Africa was the opening in October at Tel-Aviv of an Afro-Asian Institute for Economics and Political Science, Labour Studies and Cooperation. The enterprise is sponsored by the Israel Federation of Labour (Histadrut) and by the American Federation of Labour; and the joint chairmen-directors are Mr Eliahu Elath, who was Israel's Ambassador to England for nine years, and Mr G. H. Meany, President of the American Federation. The languages of the teaching are English and French, and the subjects of study will be economics, political science, and trade union and cooperative organization. The first half of the six months' course will be spent at the Workers' College in Tel-Aviv in theoretical studies; the second half in cooperative and collective villages, and in a regional base for the development of a new area of land-settlement, in order to gain practical experience. To this first course seventy students—one of them a woman—have been admitted, coming from thirty countries. The teachers are partly Israelis, and partly leaders of the trade union and cooperative movements from abroad.

Not seldom Israel makes a contribution of capital as well as of brains when her experts help in launching a new service. Her half-nationalized and entirely-socialized shipping line, Zim, has

provided part of the capital and the skilled direction for the merchant marine of Ghana and Burma. Israel is ready to dispose of her share of the capital in such enterprise as soon as the other partner asks for it. Ben-Gurion never tires of repeating to the children of Israel that their destiny is on the sea as well as on land. They are the heirs of the sea-going Phoenicians, not less than of the ancient Hebrew cultivators. Starting from scratch in 1949, they have acquired a merchant fleet of modern ships of half a million tons. The German shipyards have constructed most of the ships as part of the indemnities which Dr Adenauer undertook in 1952 to pay to Israel on account of the Nazi outrages against the Jews of Europe in the World War. Her fleet is another link with Asia and Africa.

Israel has built also, with the United States Government help, the first atomic reactor in Asia and Africa. Situate near the Weizmann Institute, it will be used for research, training, and medical purposes. Another Israel body which plays a significant part in her contribution of manpower and brains is the cooperative constructional agency named Solel Boneh—the pioneer builder. It is the instrument of the Histadrut, the Leviathan Labour federation. It carries out the main public works in Israel, the building of endless housing quarters, the schools and the university, the industrial plants and the ports; and during and since the World War has been steadily extending its activities in friendly countries, some near, some far, which recognize and use the skill of its technicians. So in Turkey, Cyprus, Ghana, Nigeria, and Burma, Israeli technicians have left their mark. This year Solel Boneh is engaged in nine African states on projects which include the building of a university hospital in Ghana and the development of the water resources of that country.

The latest African country to seek Israel's cooperation in agricultural and industrial enterprises is Ethiopia, whose emperor claims proudly to be the Lion of Judah. Israel's Minister of Agriculture, and former Commander-in-Chief of the Israel Defence Forces, Moshe Dayan, recently visited the emperor. And among projects approved was a joint Ethiopian-Israel agricultural development which will bring under cultivation twenty-five thousand acres of rich land. Some of Israel's fishing vessels will be based on the Ethiopian port of Massowa for fishing in the Red Sea. Cooperation

will be developed with the help of Israel experts in various fields, such as water-drilling and medical services; and more joint agricultural and industrial enterprises will be established.

Medical service is another aspect of Israel's usefulness to the new nations. As soon as Belgian Congo became an independent state, Israel sent a team of doctors and nurses to help in the inauguration of a health service. The director of Congo's health administration, seconded by the World's Health Organization, is an Israel doctor. With her high proportion of physicians to the population Israel can afford to export doctors to countries which have not yet a medical school of their own.

Israel lost no time in appointing a diplomatic representative to Cyprus immediately after the declaration of independence. She may be able to supply the Cyprus Republic with technical know-how in the establishment of joint commercial and industrial enterprises. The visit of her symphony orchestra to Cyprus in January, 1960, before independence was granted, was a good prelude to harmonious relations.

It is a paradox and perverse that Israel is denied her place in the political organization of the Afro-Asian nations by her immediate neighbours in Asia and Africa, the Arab states. Their opposition was effective to exclude her from the Bandung Conference 1955 of the Asiatic and African states, but not from the Socialist Conference at Rangoon 1957. The Arab intransigence may tend rather to isolate themselves than Israel from efforts for the common good. As the late Count Bernadotte remarked already in 1948, 'Israel is a vibrant reality'. In the Middle Ages the Jews, dispersed in Europe, Asia, and Africa, were carriers of culture as well as of goods between the Moslem and Christian realms. They translated the philosophy and science of Greece and Rome from Greek and Latin into Arabic, and centuries later the philosophy and science of the Arabs into Latin. Now that they are concentrated again in their old home, which is a meeting-place of three continents, and building up their own nation, they may resume the role of carriers of science and of social philosophy, this time from west to east. Having saved herself by her exertions, Israel will help other new nations by her example.

NORMAN BENTWICH

## THE RISE AND PROGRESS OF JOINT STOCK COMPANIES

THE law governing the status and administration of Joint Stock Companies in Great Britain is once more due for revision. Last year, in response to representations from many business interests, and not uninfluenced by the spate of 'take-over bids' which has bedevilled the activities of so many companies of late, the Government appointed a committee, under the presidency of Lord Jenkins, to take evidence and report on what changes in the law were expedient and practicable. The method of the Committee will follow that of the 'Cohen Committee,' which reported some fifteen years ago, and on whose recommendations the Companies Act of 1948 was primarily, if not entirely, based. In the autumn the Jenkins Committee began receiving memoranda from various bodies and company experts, and, following on this, oral evidence has been taken from representative channels. This will probably absorb another period of some months, and, after a fitting interval for sifting and weighing the evidence, the Committee will issue its report. This will form the basis for discussion in Parliament, and legislation will, no doubt, follow. On a subject touching the whole business life of the community, and sometimes highly technical in character, quick action by way of legislation is neither possible nor desirable. Where changes in the law are called for in order to avoid injustice, or clarify obscurity and uncertainty, it is inevitable that the remedy should sometimes lag behind the discovery of the malady, but it is at least some consolation to know that a watchful eye is kept on business morality, and that unscrupulous practices, where they are discovered, are condemned and penalized.

Meanwhile, the situation as regards the attitude of the community to investment in the shares of Joint Stock Companies has been changing with some rapidity. There has been a greater interest in investment, and the shares of many of our great public companies are now held, to a substantial extent, by the small investor. Many companies, notably such large organizations as the I.C.I., have been giving out free shares to their employees as a reward for service, or enabling them to purchase shares on easy terms. There are not a few companies in which the staff have been encouraged

to buy shares on the hire-purchase system. On all sides there are indications that the investment of money in equity shares is on the increase, and money for this is more plentiful than it ever was before. The whole basis of investment has been broadened.

In the interval for calm reflection pending the introduction of fresh legislation, it may be profitable to take a quick look at such things as the history and origin of the English Joint Stock Company, the principle of limited liability with its corollary, the existence of the company as a 'juristic person,' altogether distinct from the individuals bound together by incorporation, the government of a company by the delegation of the members' authority to a board of directors, the obligations of the directors to the members and the general public with whom they contract, and last, but not least, the liability of the directors for the prospectus on the faith of which the public are invited to take shares and become members. The gradual growth of the law governing all these matters is a study which, in these days, should form part of a general education, just as Blackstone wrote his *Commentaries* in the belief that a knowledge of the elements of English law should be an integral part of a university curriculum.

The banding together of individuals into corporations for purposes of commercial activities stretches far back in its origin, and takes its key from ecclesiastical corporations, which, for charitable purposes, appreciated the advantages of a continuity which did away with all the expenses consequent upon the passing of property on the death of the owner. In Venice during the Middle Ages, associations of bankers and merchants were formed to take on common risks and make common profits, according to the amount which each member contributed to the undertaking. During the latter part of the sixteenth century such associations began to appear in England, where they were at first confined to associations carrying on foreign trade. The profits were large, but the risks were commensurately great, and it was well to spread them over a broad back. We had the Russian Company founded in 1553, the Levant Company in 1581, the East India Company, which laid the seeds of our Indian Empire, in 1600, and the Hudson Bay Company in 1670, which is still flourishing in full and modern activity. These companies were all established either by Royal Charter or by special Act of Parliament, by which their functions were strictly

defined, and in the days when bribery, under more polite synonyms, was required to enlist the sympathies, whether of the Court or of Parliament, the 'promoters' incurred expenses which make the moderate fees for registration of a company to-day appear to be a mere flea-bite. The growth of such companies was, on the whole, slow and confined to overseas adventures, until the extraordinary boom which rose up at the end of the seventeenth century, and followed on the impetus to trade and commerce which emerged from the revolution of 1690.

This boom in commerce, and the rise of uncontrolled bucket-shop companies, is described by Macaulay in the inimitable nineteenth chapter of his *History*, where the great man for once gives a display of a somewhat sarcastic humour. Sufficient be it to say here that the enterprise which had been devoted to foreign adventure infiltrated into industry at home, and all sorts of fanciful companies were promoted, which for a short time were a veritable rogue's paradise, and show how speculation may become a raging epidemic. This wave of company speculation spent itself out in the disaster of the 'South Sea Bubble,' and a sadder and a wiser economy adopted the 'Bubble Act' of 1720, which forbade the incorporation of any trading association unless established by Royal Charter or Act of Parliament.

For a century after this the wings of the promoters of companies remained clipped, till with the years a sound supervision of all trading corporations gradually brought back a greater respectability to the name of the company promoter, and once more advised the public of the advantages of business corporations, provided they could be carried on under a clearly defined rule of law. It is from this date, 1825 (the repeal of the Bubble Act), that the conception of company law may be said to have assumed its modern guise. This was further advanced by Gladstone's Act of 1844, which admitted the establishment of companies by registration. The first substantive Act governing modern company law was passed in 1856, and from 1862 dates the series of amending and consolidation Acts which have been carried on by various steps up to the last Act of 1948. It is this law, with all its accretions, whose amendment is being considered by the Jenkins Committee.

There are two fundamental principles enshrined in company law, which might be described as its corner-stones, and take

precedence to all others—they are as strong to-day as they have ever been, and are never likely to be displaced. The first of these is that once a company has been duly formed and registered according to the provisions of the Companies Acts, and is entitled to commence business, it becomes a separate entity, entirely distinct from the individuals forming it, and is for all practicable purposes a separate personality, or, according to the old Roman nomenclature, a 'Juristic Person'—it can sue and be sued in its own name, and under the criminal law its officers can be made liable for the delinquencies of the company. This is true, even though a company be a one-man company, where one person owns all or the overwhelming majority of the shares and controls the company. So far as the company is concerned, such a person is not an individual but the company.

There have been many legal battles over the principle of a company's separate entity. The leading one was in the case of *Salomon v. Salomon*, decided in 1897, and ever since regarded as one of the most important cases in all company law. In that case the House of Lords affirmed the principle that what was virtually a one-man company was an entirely different entity from the controlling shareholder, and that, having paid up for his shares, the shareholder took priority over the unsecured creditors of the company for money he had loaned it on debenture. Similarly, only within the last few months, in a case taken on appeal from New Zealand to the Privy Council, it was held that the owner of all the shares of a one-man company could be employed by the company under a contract of service, and so be a worker, entitling his dependants to the benefits of the State Compensation Acts on his death by accident in the service of the company.

The second principle which lies at the root of all company law development is that of limited liability. While there may still be here and there some companies with unlimited liability and companies limited by guarantee, it would be no qualification of truth to say that the whole real business of Joint Stock Companies is in the hands of limited companies, and the method of doing business through incorporated societies could never have succeeded had not the principle of 'limited liability' been conceded by the State.

Without going exhaustively into the principle, it may be stated very briefly that where a company is incorporated with limited

liability, a fact which must be stated boldly in its memorandum of association, the members cannot be called upon to contribute to the debts and liabilities of the company beyond the nominal amount of shares they have bought and paid up for. At the worst, they may lose what they have paid for the shares, but no more.

But there must be protection for the public, and those contracting with a limited company. It is, therefore, provided in the Companies Acts that the memorandum of the company, whether it be a private or public one, must show that it is incorporated with limited liability. The memorandum is a public document open to the inspection of everyone. Secondly, the term 'Limited' is an essential part of a company's name as much as his baptismal name is an essential part of an individual's name. The word 'Limited' must be printed in legible letters on the place where the company's principal business is carried on. It must be printed on all documents such as letters, trade circulars, invoices and orders, so that all those who deal with the company may know at a glance that they are dealing with a company of limited liability. Lastly, and this is perhaps the most important sanction of all, if a director or officer of the company issues or authorizes the issue of any business letter of the company... or signs or authorizes to be signed on behalf of the company, any bill of exchange, promissory note, endorsement, cheque or order for money or goods, wherein the name of the company with the addition of the term 'Limited' is not mentioned, he is to be liable to a substantial fine, and, also, will be personally liable to the holder of the bill of exchange, promissory note, cheque or order for money, unless it is duly paid by the company.

The process of registering a company with the Board of Trade, which is a comparatively simple one, need not be discussed in any detail. Every company must have a memorandum setting out its objects; it must be signed by seven persons; and it may be either a public company or a private one. It is with the public company, that is one which issues a prospectus inviting all and sundry to subscribe for its shares, that any article such as this must be mainly concerned. The private company is one which does not issue a prospectus or invitation to the public—its membership is limited to fifty persons, and it restricts the right to transfer its shares. It is designed to carry on the business of what is usually a family

concern, and to obtain the advantages of privacy it must fulfil certain restrictive conditions. The main advantages of privacy from the company's point of view are that it is not obliged to publish any balance sheet, and it is not subject to a number of cramping provisions with which the public company is hedged about.

Every company must have an object, which must be a lawful one, and must be set out in the memorandum of association, a document open for inspection by the public: it must at the same time have articles of association, which are the rules governing the relationship of the members *inter se*, and laying down the method by which it is to transact its business. The articles of association are set out with considerable detail in the precedents forming an essential part of the Companies Acts. A company may either adopt one of the official precedents or draw up articles on its own, but all articles must conform to the mandatory provisions of the Act, or else they will be void, and of no effect. The business of a company must be confined to the objects set out in the memorandum or to business incidental thereto. Contracts which carry the business beyond the limits of the memorandum are *ultra vires* and invalid. This rule of *ultra vires* may work injustice, and there is a strong feeling in business circles in favour of its modification, or total abrogation.

A public company must have at least two directors, and it is to them that the powers of management of the company are committed. A director, in addition to his other functions, is a trustee for the funds and interests of the company, and, like other trustees, he cannot delegate these functions, unless power is given so to do by the instrument of his authority, namely, the articles of association. Moreover, by express provision of the Act, a company cannot appoint a director and at the same time indemnify him against his own negligence or misfeasance in the company's business. The director who has been unlucky may sometimes secure mitigation of damages by applying to the Court—he cannot rely on any licence or exemption that may be purported to be given him by the terms of the articles under which he was appointed. This is a stipulation which was long sought as a protection to shareholders, and was finally adopted as a substantive provision of the Companies Acts.

A director is forbidden to place himself in a position where his

personal interests may conflict with his duties to the company. An example of this is that a director may not deal on behalf of the company with himself, or with any other company in which he has a financial interest. The rigour of this rule may be mitigated, provided there is a clause giving such authorization in the articles and provided the director discloses his interest to his fellow-directors, and takes no part in settling such contract at a board meeting. In accordance with the general law of agency, a director may not make any secret gain out of any transaction in which he acts as agent for the company—if he does make any such profit, it belongs to the shareholders. So long as the directors carry out honestly, and to the best of their ability, the powers delegated to them by the articles, the shareholders, by a majority in general meeting, have no right to override the policy they adopt, and cannot even force them to declare a dividend, or alter the rate of a dividend already declared. A far-reaching power of control, which was first given to the shareholders by the latest of the Companies Acts (1948), is the right of the shareholders to remove a director by ordinary resolution, notwithstanding anything in the articles, or in any agreement between the company and him. At first sight this would seem to be a power fraught with possible injustice to directors as a class, but the power is given with considerable qualifications, intended to afford the director a fair deal, and, in particular, it is given to the shareholders without prejudice to the right of the director to claim damages for the breach of any service agreement that the exercise of the power might entail. There have been several legal battles over this point: their result has been to affirm that under the power a director cannot be thrown out without compensation if he holds a service agreement and has not been in breach of it.

A public company, that is one which by its very nature must solicit subscription for its shares, does this by issuing a 'prospectus,' or what is known as a statement 'in lieu of prospectus.' This is its advertisement, by virtue of which it hopes to raise capital—it is on the faith of this that it seeks public support; and it is on reliance on it that the shareholder entrusts his money to the company. Naturally, therefore, the prospectus is an all-important manifesto. If the prospectus contains untrue statements, or if it conceals facts which render the statements made substantially incorrect, then the

subscriber is given certain rights against the directors, and if the lack of truth and candour in the prospectus is fraudulent, that is, the director or directors responsible for it knew that it was untrue, or was made with complete recklessness as to its truth or falsehood, the position of the shareholder is much stronger—he can not only obtain rescission of the contract to take the shares, and have his money returned to him, but he can also obtain damages for the loss he has sustained by buying the shares.

The struggle for the truth of the prospectus has been a long one, and it is much to the credit of English business life that almost a complete code, to which the prospectus must conform, has been embodied in the Companies Acts. Every prospectus must contain very full information about the origin of the company: Who were the promoters, and what dealings the directors have had with them? If any shares have been issued for a consideration other than cash, this must be stated, and the reason for their issue. All material contracts which have been entered into, in connection with the foundation of the company, must be stated in some detail. If the company is being formed to take over an existing private company or firm, the consideration for the purchase must be given. No director's name can be cited in the prospectus unless he has consented in writing to allow his name to go forward. If there is to be a share qualification for the directors, this must be stated in the prospectus. If there are to be shares with varying voting powers, such as preference and ordinary shares, the rights attached to the different classes of shares must be set out, or quoted by a reference to the articles. The above are a few examples of what must be given in the code for the prospectus, set out in the most recent Companies Act, and these may be added to or modified in the recommendations of the Committee now sitting. But even the prospectus is not the whole of the safeguard. There are certain provisions which go further, and lay down that before a company can proceed to allotment the 'minimum subscription' must have been received in cash or a cheque for the amount must have been received, and the directors have no reason for supposing that the cheque will not be paid. If this condition is not fulfilled within forty days after the issue of the prospectus, all money received from applicants for shares must be refunded to them forthwith.

without interest, and if the money is kept longer than forty-eight days, interest becomes payable.

The liability of the directors, both civil and criminal, for a false statement in the prospectus is one of the fundamental principles of company law, and was firmly established by statute after many battles in the Courts. If a subscriber has been misled by such a statement, whether made knowingly or not, he can obtain a rescission of his contract to take the shares, and, if he can show that the statement was untrue to the knowledge of the directors, or made with utter recklessness, he can recover damages in addition. A prospectus may be untrue by reason of its omissions, although no particular statement appearing in it can be shown to be false. This was established by the decision of the Court of Criminal Appeal in the case of Lord Kylsant, [1932] 1 King's Bench, 447. A prospectus of the Royal Mail Steampacket Company, signed by him as chairman, stated that during the last ten years the annual balance had been sufficient to pay the interest on the present issue more than ten times over. As a matter of fact, it emerged that the dividends in question were not paid out of current earnings but out of funds which had been earned in the abnormal war period. The whole effect of this was to convey a misleading impression to the public. Lord Kylsant was indicted, and convicted, under the Larceny Act of 1863, the statute then available. Such a prosecution would now be framed under section 44 of the Companies Act, 1948, which is directed specifically against the dishonesty or recklessness of directors.

Enough material has, possibly, now been set out to convey to the ordinary lay reader some knowledge of the structure of English Company Law. Only its most salient features have been dealt with; but it is hoped that sufficient has been given to show that while the conditions and regulations governing the conduct and administration of the Joint Stock Company are matters of considerable complexity, they constitute a great safeguard to the public, who are invited to entrust their savings to the men who form the companies, and are entrusted with their management. Their position is pre-eminently one of trustees for the interests of the company.

So far as is humanly possible, the Companies Acts have tried to make men honest, but, human nature being what it is, you cannot effect this without prescribing sanctions for those who are not.

Hence it comes about that, business methods not being static, and the keenest intellects being always attracted to the making of money, the laws governing companies have constantly to be scrutinized and brought up to date, as fresh experience brings to light practices that are demonstratively unfair, or are being directed along lines which now appear at variance with honourable business principles. A few of these may be noted very cursorily, as they will probably be taken as the texts for future amendment of the law.

A word has been said earlier about the law of *ultra vires* in the dealings of companies. It is realized on all sides that, while such a law may be useful for curtailing the activities of directors and agents of companies, so that they may realize that they must stick to the business for which the company was founded, it should not affect the rights of outside parties, who, in all innocence, contract with the company. Some comprehensive amendment of company law in this respect may be expected. Again, there is a growing feeling against the issue of shares in a company which carry no voting rights—in a democratic country this is contrary to modern ideas, and there is no use telling the shareholder that he has taken up such shares with his eyes open. He requires protection. Furthermore, one feels that the provisions of the Companies Acts for the safeguarding of minority shareholders requires enlargement: the minority shareholder is frequently in a difficult position in asserting his rights in the Courts, because, before the Courts will listen to him, he has always got to show that he has gone through what may be a complicated process in using the chain of machinery open to him under the company's own regulations. In order to cut short this, he must be in a position to show fraudulent or *ultra vires* conduct on the part of the majority or of the directors: this he may not be able to do in so many words, or without cumbersome and, perhaps, expensive delays. Again, under the terms of some companies' articles, it is permissible for the directors, off their own bat, to dispose of the entire undertaking of the company or substantially alter the business. Recent experience has shown that this is too great a power to give to any board of directors, and there is a feeling that, any power in the articles notwithstanding, the directors should not have the right to dispose of the whole undertaking without the consent of the general body of the shareholders: the

same thing should apply to any fundamental alteration in the general activities of a company.

There is one other aspect of the company law on which much has been said of late, and to which frequent reference has been made in the press and in Parliament. Needless to say, this is concerned with what is commonly referred to as a 'take-over bid.' The economic side of these mergers must be left out here, and consideration confined to the law alone.

The merger of one company with another is a perfectly legitimate transaction, for which provision has been made in the Companies Acts. In the normal take-over transaction this is effected by the bidder or bidder company offering to purchase all, or the preponderating proportion, of the shares in the bid-for company, either by offer of shares in exchange, or cash, or both. The offer is passed to the bid-for company, a certain time is given for acceptance or rejection, and where the holders of not less than nine-tenths in value of the shares whose transfer is involved accept the offer, the bidder company is given power to acquire the shares of the minority, on the terms on which they have been accepted by the majority. This procedure, subject to certain safeguards for the minority, is roughly the accepted legal method by which the take-over is effected, and there are not many holes that one can pick in it. A special safeguard is provided for shareholders, by a provision that where directors are offered any inducement, such as compensation for loss of office, by the company offering to take over, the amount of this must be disclosed: unless the shareholders approve of this, the directors cannot accept any such compensation—they will be accountable for it to the company, and cannot make a personal profit from it.

All this looks very straightforward and above-board—in most cases it is so. The directors of the bid-for company pass the offer to their shareholders, recommending it or advising rejection, but in the final instance the choice is with the shareholders themselves. As everyone knows, when a take-over bid is formally made, the price offered for the shares must be an attractive one. Long before a formal offer is made, rumours fly around—the price of the shares goes up, and speculators make money on the prospect of a rising market. A good deal of the criticism that has been made of take-over bids is unwarranted, and, as a general rule, the shareholders,

whose company is bid for, do well, and as part of the bargain it is usually possible to make good terms for the employees of the company that is to be taken over. Nevertheless, some real flaws have been discovered, and very influential bodies, such as the Institute of Chartered Accountants and associations of industry, have suggested that legislative tightening is called for. Any fresh legislation is not likely to prescribe a complete code—it can only attempt to deal with some of the loopholes that can be stopped up.

Long before a take-over bid becomes public it must reach the ears of the directors and other officers of the company. With first-hand knowledge they can buy up shares and have opportunities of making profits denied to the rank and file of members. So far there is no law against directors doing this, and they cannot be called to account, though legislation against it has been passed in at least one of the Dominions, and it is understood that American law makes provision against it. When an offer is made, there is no guarantee that the company making it will always be in a position to fulfil its offer, if accepted. Members of the bid-for company are not always given full and ample details to enable them to make an intelligent choice, and are not given precise particulars of who the real bidder is. There should be made available to them full and ample details regarding the bidder company—something in the nature of a prospectus, that, would enable them to form a judgment based upon ample knowledge, and give power to them to take legal action against the directors of the bidding company if its true position was not set before them when the offer was accepted. Under existing law there does not seem to be enough protection for the members of the bid-for company in this respect.

This sketch of the present position of company law, such as the writer has attempted, has necessarily been fragmentary: it has been confined to principles rather than precepts. But the ordinary man is now investing his money in company shares more than he ever did before. It behoves him to hear a little about the rules governing his investments, so that, if his rights are infringed, he may know that he is not without safeguards and remedies, and may be emboldened to put these into operation more freely than has ever been done before.

J. C. ARNOLD

## THE NATURAL HISTORY OF RIVERS

THE influence of geography upon history is a subject of the deepest interest. It is at the same time a difficult subject, not because the facts are hard to come by but because principles tentatively based on these hard and fast facts are often found to be so hedged about with exceptions and anomalies as to have only occasional and partial validity. Consider for instance the very simple principle that major mountain ranges will restrict, if not wholly inhibit, the migration of peoples. Choose the Alps as your example. This great complex of mountains should have been more than enough, you would suppose, to protect the flat lands of Northern Italy from invasion. Nevertheless throughout history, from the time of the Goths to that of Napoleon, Italy has been invaded over and over again from across the Alps. Take the apparently obvious idea that a people living in a mountainous region is unlikely, because of problems of communication, to achieve enduring unity. But the great empire of the Incas of Peru, in spite of what would seem almost insurmountable problems of this kind, did in fact arise and endure for a considerable period. It is of course true that it was overthrown with astonishing ease by Pizarro and a handful of followers partly at least on account of such problems, which proved too much for the defenders. On the other hand Switzerland, in similar circumstances, gives every indication of enduring unity. Another simple principle, at the opposite end so to speak of the geographical scale, seems to teach that a centralized, nucleating river-basin becomes a factor of the first importance in the origin and development of a nation. France was gradually built up around the basin of the Seine and its tributaries, and England to a considerable extent at least around that of the Thames. On the other hand consider Poland. No European nation perhaps has owed more to a river-basin. No European nation, at its full extent, has corresponded more closely to the basin of a river than Poland to that of the Vistula. Yet it is also true that no European nation has found unity more difficult to realize, or has been so helplessly at the mercy of predatory neighbours.

Pondering these and other problems we might well come to the conclusion that human beings are capable of welding themselves

into stable political and economic societies almost irrespective of topographical conditions, that what counts is not geography nearly as much as human resourcefulness and resolution. This no doubt is too simple and too extreme a statement, but at least it can usefully remind us that the destinies of men are never unalterably determined by external circumstances, that the adverse geographical factor is often overruled by the human factor. Nevertheless there is no denying the importance of the hard facts of geography, their potent influence upon the rise and fall of human societies.

Of all the different kinds of geographical feature on the surface of the earth, rivers, it seems safe to say, have played the greatest part in the life of mankind. The basin of a river is a natural geographical region, with conditions of climate and soil broadly uniform. Even the very channel of a river, in spite of being a formidable barrier, tends as much to bring men together as to keep them apart. Over the greater part of the surface of a river-basin communication presents few problems; and above all there stretches a wide abundance of fertile soil for the growing of crops in quantity sufficient to support a community dense enough to practise that complex division of labour which is the basis of civilization. It is in intimate association with great rivers that we think of the civilizations of the remote past—the Nile, the Tigris, the Euphrates, the Indus. The same is true of the densest aggregations of humanity known at the present time, those of the Ganges and the great rivers of China. These rivers have encouraged, and still encourage, dense populations because they are responsible for the fertility of their plains. But they have a wider responsibility than that, not merely for the fertility of the plain but for the fact that a plain exists to be rendered fertile. The plain is the creation of the river.

What this means therefore is that the natural history of rivers has an important place in the natural history of humanity. The face of the earth is the platform of our lives, and the features of that face owe more to the work of rivers than to any other cause. The historian should know something at least about the ways of rivers, should be aware that they are the instruments of an agelong natural process, that they and the work they carry out evolve from an initial stage, through subsequent changes, and at long last to an ultimate condition.

The nineteenth century brought more than one great revolution

of thought, and certainly among the greatest was the revolution that substituted the dynamic for the static point of view. This, in the act of looking at the natural world, sees things as they are and at the same time grasps the truth that the condition seen is no more than a very short phase in a very long continuous process of development. Since this is true no less of human institutions, it might be supposed that the realization would have come earlier. Civilizations arise, flourish and decay, so why not also those aspects of nature which seem to be fixed and permanent? The answer of course is that human institutions develop at a speed commensurate with the span of human life. But the world of nature knows no such limitation. The changes, geological or otherwise, that were so long in being noticed are governed by speeds from our point of view so exceedingly slow as to be entirely beyond direct observation. But we know that they occur. We know that all species of plant and animal are far from being fixed and permanent. We have learned to realize that the hills, once thought of as symbols of immutability, are in fact steadily disintegrating. This notion of a continuing, secular process going on before our eyes must be applied to the whole realm of nature, to plants and animals, to the face of the earth, to the solar system, to stars and galaxies, to the entire Universe. It is a fundamentally important factor in the natural history of rivers.

How are we to think of a river as a process of development? It rises, runs its appointed course, and comes to an end in the sea. That in a sense is a process, but it is not until we realize that rivers are not so much processes in themselves as instruments in a far wider process, for which they are in fact mainly responsible, that we begin to come at the truth. Rivers in every part of the world blessed with rainfall sufficient to maintain their flow are the principal agents of erosion or land-sculpture, and this means that it is not rivers themselves that we must think of so much as the all-important work that they perform. They, almost alone, bring about the conditions under which they flow, and the varied and characteristic scenery, not merely along their banks but far on every side over the entire basins that they drain.

River-scenery, characteristic and varied, also differs very widely according to distance from the source. We sometimes speak of an upper or torrent stage, applying the term both to the river and its

valley. Farther downstream we come to the valley stage, where the gradient is less steep and something of a floor has developed. Finally there is the plain stage, where the river meanders over wide levels and the flanks of the valley have receded to a considerable distance on either side. These names are acceptable up to a point, but their disadvantage is that they do nothing to bring out the all-important idea of a process, and it is for this reason that other terms have been proposed and are now generally accepted. We think now in terms of a stage of youth, a stage of maturity, and a stage of old age. These are perhaps vivid metaphors rather than precise technical terms, but they are none the worse for that. A river-valley will not necessarily show all three of these stages, though many of them do. As opposed to such fully representative examples we may find on the one hand a river-valley in a stage of youth from end to end, with a coursing torrent and steep gradients, even where it flows as a cliff-waterfall into the sea. Examples are easily found in Wales and Western Scotland. At the other extreme a river such as the Great Ouse, except for the uppermost few miles, has all the features of old ages, with a wide valley, a sluggish current and none but the gentlest of gradients.

To grasp the significance of these distinctions it is important to understand what it is that a river is trying to do. Its task is no less than to reduce the surface of the land within reach of its main stream and its tributaries down to a theoretical base-level which is the level of the sea, and can be imagined as a line drawn horizontally from the mouth back as far as, and so to speak beneath, its source. This is the river's ultimate objective and its fulfilment, though it can never be completely fulfilled, will certainly require a span of time amounting to hundreds of millions of years. To perform this titanic labour a river goes to work in two main ways, both of which can be called destructive, vertical erosion and lateral erosion, downwards and from side to side. The motive power of course is the flowing body of water, but water alone can achieve little. What is needed as well, and what the river has no lack of, is rock-waste of every kind, from boulders to pebbles, sand and clay, swept along by the current to scour and destroy. A large proportion of the more finely-ground rock-waste is carried out to sea and there dropped because there is no longer any current to carry it. That is the mode of origin of all the sedimentary rocks of

the earth's crust. But by no means all the load is thus disposed of. Some, in time a great deal, is deposited over the lower part of the valley, where the current is slack. This means that not all the work of a river is destructive. Over the flood-plain, where a slow settling of silt continues, the effect is constructive.

Each of the three stages in valley-formation has its characteristic landforms, its recognizable scenery. The stage of youth is the upland stage, that part of the valley where the river has made least impression on the land over which it flows. Because gradients are severe and the tools used by the river are larger and therefore more powerful than at the other stages, it is here that vertical erosion is more active than lateral. This down-cutting is carried out in more than one way, but in particular by means of what are usually known as pot-holes. These are hollows gouged out in the rocky bed by the abrasive action of stones rotated by the current. In time the hollows become deep enough for the stones to remain lodged within them and then their constant rotation acts like a brace and bit, scouring out a deep cylindrical hole. Before very long the river-bed becomes pitted with these holes which, growing wider as well as deeper, will in time merge, so that the river-bed over a considerable length becomes lowered by a foot or more. When that has happened the whole process begins over again.

Pot-holes hardly come under the heading of scenery, though they may well be very conspicuous at times of low water. More deserving of the term are other and better-known features; waterfalls for instance, even if no more than a few feet high, murmurously cascading into and slowly scouring out the flanks of some placid pool; rapids, where the river races and tosses its white spume. A similar simple cause is at work to bring about both of these, namely a belt of rock more resistant than the rest to the onslaught of the river, vertically placed with regard to the profile of the stream where a waterfall is concerned, set at a more or less acute angle in the case of rapids. More important than either of these as a maker of scenery are lakes, also characteristic of the youthful stage, and owing their existence to some sort of natural dam such as a flow of lava from a volcano, or more frequently a bank of moraine deposited by a vanished glacier. Last among these features of youth are what are known as interlocking spurs. Stand on the brink of a mountain stream at almost any point some little

distance below its source and look either up or down. It is unlikely that you will get a clear view of the river in either direction, and what gets in the way is a spur of land sloping steeply down to the water's edge. If one of these spurs slopes down from the right there is certain to be another behind it sloping down from the left, and it may be possible to make out the upper parts of a third or even a fourth, each alternating with the next, the whole series interlocking like the fingers of clasped hands.

All these, namely pot-holes, waterfalls, rapids, lakes, and interlocking spurs, are the typical features of youth, for it is worth remembering that river-valleys differ pointedly from human beings in being typified by wrinkles and rugosities when they are young, by smoothed out surfaces during old age. It is the fate of these roughnesses of youth to disappear, to be steadily obliterated by the erosive power of the river. Pot-holes merge into one another; waterfalls retreat upstream and in time become smoothed out of existence. The mechanics of their retreat is simple enough. The water cascades over the fall-making belt with increasing erosive power. In doing so it is certain to eat its way into a zone of softer rock at the foot of the fall, hollowing it out with the strong swirl of boulder-laden water, until the fall-maker overhangs. Then it will not be long before a part of the overhang comes crashing down, perhaps where a joint in the rock causes a weakness. The result is a retreat of the fall, even by no more than a foot or two at a time. Periodic retreats of this kind, each of small significance in itself, add up to an impressive total in the lapse of centuries. This steady upstream retreat is in itself a notable scene-maker, for it carves out a gorge which is the exact measure of the extent of the retreat. All the great waterfalls of the world—Niagara, Victoria, Kaieteur in British Guiana—are located now at the upstream end of impressive gorges, and were at one time to be found at the point where the gorges begin.

As for rapids they too are destined to disappear, the upper end of the belt of hard rock to be smoothed away, until the time comes when it no longer offers obstruction and for that reason no longer causes a tumult of waters. Lakes are as short-lived as the other features, coming into existence only to be filled up. This can happen in more than one way. At the inlet the river deposits silt to form a delta, which will increase steadily both in width and in

height until an alluvial flat takes shape, its surface several feet above that of the lake. At the outlet it cuts a slowly deepening notch in whatever it may be that acts as a dam, and this means that the level of the lake is as slowly and steadily lowered. Finally interlocking spurs are no exception to the rule. They too will be smoothed out of existence, but this process is more characteristic of the stage of maturity than of youth.

This then is the beginning of a very long process, and it is important to realize that it is no more than a beginning, the first stage which when worked out to its conclusion results in a river-profile from which all bumps and hollows have been worn away. When a river establishes itself on some newly-emerged land-surface it is this early, youthful stage that begins at once, and continues with all its characteristic features along the entire length of the valley. The next stage, that of maturity, first appears at the mouth, steadily but very slowly working its way upstream and becoming longer at the expense of the youthful stage.

What are the recognizable landforms of the stage of maturity? They can be understood more easily if we realize in the first place that lateral erosion now becomes more active than vertical; in the second that a process which is really the opposite of erosion, namely deposition, becomes increasingly important. Lateral erosion means that those interlocking spurs typical of the youthful stage tend to disappear, to be planed away by the river as it swings from side to side. Because of this it is usually possible to get an uninterrupted view up or down a mature river-valley. Between these two acts of lateral erosion and of deposition there is close co-operation, a reinforcement of the one by the other, and the effect of both is greatly enhanced by the fact that the river is winding its way in loops or meanders increasingly more pronounced. Considering any one meander it is easy to distinguish between the outer and the inner banks, and the distinction is important. At the outer bank the current is swift and vigorous, a powerful instrument of erosion directed against the upstream flank of each projecting spur. At the inner bank the current is considerably less swift, which means that it is here that deposition takes place. Continuous lateral erosion at the expense of the spurs causes continuous widening of the valley. Continuous widening of the valley causes a steady

and increasing deposition of silt. The combined effect of the two is to produce the beginnings of an alluvial plain.

With these facts in mind it is reasonable to think of a river-valley in a stage of adolescence or early maturity, when the planing away of spurs is as yet incomplete and their truncated bases to some extent interrupt the continuity of the valley floor. Later, during the stage of late maturity, the spurs will have vanished so that the floor stretches in a continuous, though yet narrow, alluvial plain. This narrowness of the plain is characteristic, for it is another feature of this stage of development that the valley should be bounded by heights at no great distance from either bank. Draw an imaginary line tangential to the meanders on each side, and you have a belt known as the meander-belt. It is typical of the mature stage that the meander-belt should correspond fairly closely to the width of the valley.

The representative river-valley as described up to this point consists of a mature stage beginning near the mouth followed, after some distance as you pass upstream, by a youthful stage which continues as far as the source. But this state of affairs is no more static than any other. Later rather than sooner the third stage makes an appearance and with extreme slowness increases in length. This is the stage of old age, and once again it appears first at the mouth of the river, once again grows at the expense of the preceding stage. As for scenery there is in general terms a marked contrast with that of the other two stages. Where theirs is rugged and variable, that of old age is smooth and monotonous, the horizontal element prevailing everywhere over the vertical. By far the most marked feature is the great width of the valley, exceeding perhaps by three or four times the width of the meander-belt, and bounded by heights now so reduced as scarcely to deserve the name. The alluvial plain, built up by repeated deposition, is nearing its maximum development, and it is for this reason alone that the river-valley becomes more serviceable to the cause of human settlement.

The youthful stage, refreshing beyond measure to the human spirit on account of high and windy solitudes, murmur of waters and changing scene, has little practical value. Even as a route-way on foot along either bank there is little to be said in its favour, though one practical application remains, that of hydro-electric

power stations at falls or rapids. Conditions are a little better in the stage of maturity. Navigation of the stream may come into its own, but the current is apt to be swift and conditions with regard to settlement, which means agriculture, are far from ideal. But as regards the stage of old age, how different. Here is the wide and fertile plain, the navigable stream, the broad skies and the far horizons beloved both by primitive and civilized man. Ready-made routes converge on a riverine plain; along the coast for instance from both directions towards the mouth, where a settlement may well arise at the lowest point where it is convenient to bridge the river. Other routes meet where tributaries join the main stream. Yet another favourable site for a settlement is at the highest point of navigation, the point that is to say where river-craft have to be beached and their cargoes carried overland. This could be where the youthful stage of the valley first shows itself in the form of impassable rapids.

Advantages such as these are clear enough, and there is no doubt that they have played an immensely important part over and over again in the long history of human settlement. All the same it must be remembered that the flood-plain of a river-basin is a wholly natural feature, far older than the earliest of mankind. This is certain to mean that those very qualities providing conditions favourable to human life will possess also corresponding defects bringing disadvantages not to be ignored. One of these, perhaps a minor one, is the fact that at this stage the meanders are at their most extravagant, the channel snaking from side to side until each meander encroaches upon the next. This is bound to mean that passage up or down stream involves covering about the longest possible distance between two points. A channel of this kind is constantly changing in other ways, laying down shoals of gravel or sand in one place, sweeping them away in another. As the neck of a meander steadily narrows to an isthmus, it is bound before long to give way. In one rush the river leaps across and the meander is abandoned as a cut-off or ox-bow lake. It is for reasons such as these that rivers, though apparently designed by nature to serve as frontiers dividing peoples, are in fact less suitable for this purpose than might be supposed.

But it is the very process itself by which a flood-plain comes into existence that only too often causes the most serious disadvantage

of all, and means that sites for settlement must be chosen with care. The flood-plain is built up by the laying down of silt carried by the river and, as the name shows, flooding plays a major part in the process. Without the annual flooding, usually in the spring, there would be far less deposition to widen the plain, and no frequently renewed top-dressing of silt to make it fertile. The trouble is that nature by no means always behaves in moderation from the human point of view, and when in this instance she fails to do so, then the very thing which helps to bring concentration of settlement to the plain becomes on occasions a catastrophe. Looked at from this point of view, it seems certain that the older the plain, and in most respects the more closely adapted to human needs, the more liable it becomes to devastating floods.

There is a simple reason. The river along its entire course over the plain flows with a very low gradient. This means that the current is sluggish and in consequence silt is laid down everywhere over its bed. That in turn means that the channel is steadily raised until it stands several feet above the level of the surrounding plain. Even that is not all. The slacker the current the greater the extent of deposition. In times of flood even this slack current is momentarily checked where the river bursts its banks, and it is there, along the margins, that a considerable proportion of the load is dropped. Constant repetition of this process means that the already raised river-bed becomes embanked along each side, and that the ground slopes away at right angles to the direction of flow. The cross-section of the plain therefore becomes convex, as it were cambered, clearly a state of affairs making for increasingly serious floods. In these circumstances too it is obvious that flood-water lying far over the meadows will only with difficulty drain away, is very liable to cause swampy conditions requiring a pattern of drainage-ditches to correct. This is the state of affairs only too well known over the immense flood-plains of such great rivers as the Mississippi, the Hoang-Ho and the Yangtse-Kiang, where deforestation and the building of artificial embankments, in their different ways, have done much to increase the devastating effects of abnormally heavy floods.

Forsaking the human point of view and returning now to that which sees the development of river-valleys as an immensely slow, immensely important, natural process going on at the present time

over the surface of the earth wherever there are rivers, we can see that even so exceedingly ancient a river-valley as that of the Mississippi is by no means at the end of its development. To find within the whole extent of its vast basin a valley in the stage of maturity would mean penetrating a long distance up one or more of the tributaries. As for the stage of youth, that could be found only at points higher yet on the uppermost headwaters, at no great distance from their sources in the eastern flank of the great Rocky Mountain System. All the rest is now in a condition of extreme senility, and so unimaginably slow from our point of view is the fulfilment of this last of the three stages that we can be sure that it has known that condition already for many millions of years, and in all probability will continue to know it for many millions to come.

How then are we to visualize the ultimate state of affairs, whether of the Mississippi or of any other river-valley large or small? Theoretically this would be achieved at very long last only when the sources of the uttermost headwaters are to be found at an altitude of no more than a few feet above sea-level, when the entire basin, embracing that is to say not only the main stream but every one of the tributaries as well, has been reduced to a dead level of half-drowned, scarcely thinkable, monotony. The period of time needed from the very beginning up to the realization of so lingering a death might well correspond to that which has elapsed since the first appearance of life on earth. In practice, however, we can be reasonably certain that river-valleys hardly ever reach this ultimate goal, for we come here upon another and even more marked contrast between their lives and that of human beings. River-valleys not uncommonly regain their lost youth. What happens is that an elemental force intervenes, with the result that at least a part, possibly the whole, basin is by means of it rejuvenated. That something is not the river but mother earth herself, the outer crust which slowly heaves itself upwards, either locally or over a wide continental region, to take shape as an uplifted plateau or even great chains of mountains one behind the other, as has happened many times and almost everywhere in the remote past.

For the river-basin concerned this means a restoration of the youthful stage with regard to a part, or perhaps to its entire extent. The gradient is steadily increased and the current correspondingly

speeded up, with the result that vertical erosion once more comes into its own. All the features characteristic of youth, waterfalls, rapids, and the rest, reappear, and the whole great cycle of erosion begins all over again. It is of course quite possible for earth movements of this sort to occur at any time during the cycle of erosion, in which case the cycle turns back to its beginning before it has had the chance to work out its full span. Just as each of the three stages of valley-development has its own characteristic scenery, so also does a river-basin that has been rejuvenated in this way. Rejuvenation caused by earth movements invariably means that vertical erosion is made to prevail over lateral, with the result that the river entrenches itself into the valley already in existence, and a valley-within-a-valley takes shape. This will show itself in one of two general ways. The winding channel, now vertically eroding, incises itself to form a steep-sided gorge. That is what happens if the stage reached before rejuvenation is that of early maturity or of late youth. If on the other hand a flood-plain has been laid down, then again the river works vertically downwards, but less rapidly, and the result is a flood-plain-within-a-flood-plain. What is left of the old one reveals itself clearly in the form of terraces on each side at a level several feet above that of the new.

Of these two landforms caused by rejuvenation it is the first that at times becomes responsible for really spectacular scenery. Several of the great rivers of the East, the Ganges, the Indus and the Brahmaputra, were in existence long before the Himalayas arose. As that system of great mountain chains was slowly uplifted, all three of these rivers trenched themselves downwards at speeds about equal to the rising of the land. That is why they now rise well to the north of the Himalayas and flow clean across them through titanic gorges thousands of feet deep.

LESLIE REID

## EVOLUTION OF LIFE AND IDEAS IN MODERN RUSSIA

THE days when the U.S.S.R. could be dismissed with such anathemas as that 'Bolshevism is the blank rejection of ordered government and civilization' (*Daily Telegraph* leader, January 17, 1919) or 'the bloodiest and most brutal tyranny which Europe has witnessed for a hundred years' (*The Times*, May 16, 1919) are drawing to a close, but the concept that the U.S.S.R. can be a positive source of new ethical ideas which are a challenge to the West, parallel to the economic challenge, is still young.

It was in 1928 that the Quaker Mrs D. F. Buxton, in *The Challenge of Bolshevism*, wrote after visiting Russia and finding:

a different ideal of society dominating men's minds and a correspondingly different organization of society in progress of establishment, that I began to become really self-conscious as regards these phenomena in our own country. . . . In the Communist State a most valuable experiment is in progress which will help to show how much wealth can be allowed to the individual as a stimulus to effort and saving, without conferring privileges and powers which are undesirable from the point of view of the Community. . . . The Communist view of human nature seems to be more inspired by Faith, Hope and Charity than our own.

Another more recent observer was the Rev. Billy Graham, who was quoted in the *News Chronicle* of June 17, 1959, as saying that our London parks 'looked like one great bedroom' while 'in the Moscow parks I saw thousands of young people, but not a single couple locked in an embrace.' And, also writing of this younger generation, Edward Crankshaw in *Khrushchev's Russia*, describes the Russians as 'kinder to children than we are,' and says the youth 'are so well behaved.' He met many

well turned-out young men in their thirties, usually Party members, relaxed and easy in manner, often with a pleasantly ironical approach to life, and very much in touch with realities of every kind. . . . These confident and enlightened young men are springing up like grass. (*Op. cit.*, pp. 127-37.)

Even allowing for overstated, it would seem that something new is developing in the atmosphere of the U.S.S.R. that cannot be ignored much longer.

At the beginning of 1960 Alec Nove of the London School of Economics wrote in the U.S. Information Office's journal, *Problems of Communism*, as follows:

It is acknowledged fact that real wages in the Soviet Union have been rising slowly but steadily, that peasant incomes and retail trade turnover have gone up, and that the present Soviet leadership has declared its intention to continue this process.

Summarizing what is happening, he notes that:

even under Stalin much attention was paid to the expansion and improvement of health services and education, and fairly generous rules adopted in regard to such things as sickness benefits and paid vacations.

After a step backward in the pre-war and war years he finds that:

in the last few years, the record shows, much more has been or is being done to improve old-age pensions and disability pay, to reduce working hours, to build more housing, and to provide more consumer services, even though the Soviet citizen certainly still has—and probably will continue to have—much to complain about.

Only the wilfully blind will refuse to take all this seriously. (*Loc. cit.*, Vol. IX, No. 1, January–February 1960, pp. 1–8.)

These material advances in the U.S.S.R. are important because they are seen internally as a step towards a new state of society—'Communism'—in which there will be such plenty that 'each will receive according to his needs' and such a high level of education, culture and public conscience that all will work voluntarily for the community 'according to their ability.' The State, according to classical Marxism, will then 'wither away,' a concept recently revived by Khrushchev at the 21st Congress of the Communist Party when he foresaw a further development of democracy by 'drawing the broadest sections of the population into the management of all national affairs, enlisting all citizens to share in the supervision of economic and cultural developments,' so that the functions of the State would pass into new forms of 'Communist public self-administration.'

This envisaged Communist society, still a long way ahead, has become sufficiently real to have inspired a growing crop of articles on 'Communist Man.' These are appearing in journals with large circulations, including *Komsomolskaya Pravda*, the main publica-

tion for the youth of the country. We shall restrict ourselves in this survey to a representative selection from the past two years. For convenience quotations have been numbered and a list of references supplied at the end. The articles surveyed cover four main headings: Work and Property, Art and Science, Marriage and the Family, and Law and the Citizen. But before considering each of these subjects in turn, two main principles of the Soviet attitude should be noted:

First, in the U.S.S.R. it is believed that the private ownership of property for the purpose of employing the labour of others for profit is wrong. It is forbidden both by law and public opinion, though there do occur evasions, just as, with us, there occur evasions of income tax.

And secondly, arising out of the first, the private ownership of the arms industry has been abolished, and nobody can hope to profit directly or indirectly from their manufacture.

These two aspects of Soviet life provide a feeling of common interest in peaceful labour, and make possible the planning of the economy for many years ahead.

#### *Work and Property*

The declared aim of Soviet planners is to reduce the working day and eliminate unpleasant work through mechanization, and thus to develop the interest and joy of work so that sooner or later creative labour will become a 'necessity' for its own sake. The recent educational reforms, bringing education 'closer to life,' have been aimed precisely at this, and there has been a marked revival of interest in the works of Makarenko, famous educationist who in the 1920s rehabilitated homeless children in residential communes in which they were not passive pupils but active creators with a considerable amount of self-government. In a joint article on the modern Soviet school four writers quote Makarenko as follows: 'A children's community definitely does not want to live a life of preparation for some future life, it does not want to be regarded merely as a pedagogical entity, it wants to be a recognized part of public life, just like any other community.' And so they stress the need to-day for 'the attraction of workers and engineers to the process of upbringing, and the participation of pupils in productive work.'<sup>20</sup>

In everyday life, people in the U.S.S.R. are paid according to their work, but the gap between highest and lowest is being reduced and the flow of free social services is increasing. There are of course still

individual collective farmers who, while displaying great zeal for the common enterprise, at the same time strive to sell the least possible amount of their produce to the State with the aim of 'holding it back' and then throwing it on the market when it can fetch the highest price. At our factories and mills some of the workers are anxious to receive lucrative orders, the fulfilment of which does not impose much strain, but promises all sorts of additional payments, bonuses, etc. Such cases [write Sverdlin and Rogachov] can be eliminated by stringent and systematic discipline in a resolute struggle against survivals of the private-ownership mentality.<sup>13</sup>

According to another writer, M. Sakov, it may to-day be difficult to conceive 'how the citizens in Communist society will work according to their abilities without remuneration,' but he rules out the possibility that 'there will be some people who will shun work altogether yet take from society whatever they need,' and suggests that the 'spirit of collectivism and comradeship' will be strong enough to keep them in check. He examines the physical needs of the ordinary human being in terms of food, clothing, housing and transport, without greed or ostentation, and concludes that they can all be adequately satisfied.<sup>14</sup>

C. Stepanyan summarizes human needs as being basically of two kinds, material and spiritual. The former, he says, include housing, clothing, food, medical treatment, transport, physical culture and sport; the latter, education, science, literature, enjoyment of works of art, and 'concern for peace, human beings and society.' He suggests that the material needs are limited and can be satisfied for everyone, but that the spiritual needs will be ever increasing. As regards the satisfying of physical needs without money he tells a true story, from a recent book, *The Face of the Earth*, by Zakrutin, in which a foreign journalist visits a certain collective farm. In the canteen he found the farmers paying for their lunch, not with money, but with slips of paper provided by the farm.

'Very interesting,' said the foreigner. 'If this is the case, I suppose you won't be needing money any more?'

And the chairman answered: 'Quite true, under Communism we won't.'

Stepanyan describes the present aim of Soviet society as being 'to develop the spirit of collectivism and humanism in both individual relations and in the relations between society and each of its members.' And he sees

the actual trends of modern times giving sufficient grounds for predicting that in Communist society private property, i.e. for individual use, will be limited to clothing, footwear, household utensils, personal libraries and like objects. Money savings will no longer exist, nor will the principle of inheritance, as Communist society will supply all the reasonable requirements of the individual with due regard for his personal tastes and needs.<sup>12</sup>

In an article in *Soviet Weekly*, and also in the U.S.S.R. in *Komsomolskaya Pravda*, Academician S. Strumilin suggests that by 1980 or so, when the compulsory working day will have been reduced to five or four hours, food and clothing will be supplied as free social services to the population. But he makes it clear that this estimate relates to normal demands, and not luxury demands based on a desire for ostentation.<sup>13</sup> Or, as Sakov puts it, it would not include such 'needs' as private 'palaces, villas, parks, scores of motor cars or museum pieces.'

As regards work according to ability, there has always been a strong social incentive in the U.S.S.R. to people to give of their utmost in work, even if unpaid. In the first months of the Revolution this took the form of 'Subbotniks' or voluntary Sunday work. Then came 'shock brigades,' groups of workers organized to overfulfil their production plans, and 'socialist competition' or 'socialist emulation' in which groups of workers, factories, and whole geographical regions challenged each other to achieve the best results. In the 1930s there arose the Stakhanov Movement, in which rank-and-file workers reorganized production so as to get a greater output by the best use of technique.

As to the post-war period, we cannot do better than refer to the recent report issued by the International Labour Office, *The Trade Union Situation in the U.S.S.R.*, based on its own Mission's examination on the spot in 1959. In this report we read that:

moral incentives include both individual and collective awards. Individual winners may be given certificates of merit, their photo-

graphs may be posted up for a period on the board of honour of the shop or plant, or their name inscribed on the roll of honour. The award of medals and orders and of the title of Hero of Socialist Labour. . . .

The Report goes on to cite the recent case of the textile worker, the team-leader, Valentina Gaganova, who received nation-wide publicity because she voluntarily left a good team, with high earnings:

to pull up the productivity of another team which had been lagging behind seriously. The press praised the selfless devotion of Gaganova and held her up as an outstanding example to be followed by others. Thus, through the press, radio and union meetings the masses of workers who have distinguished themselves in their respective walks of life are brought to the attention of the Soviet public.

Finally:

in some undertakings the Mission was introduced to Communist Labour Teams, which were invariably composed of young people. The objective of this emulation movement, launched by the Young Communist League, is 'not only to work in the best Communist style but also to acquire knowledge, persistently and actively struggle against survivals of the past, . . . lead exemplary lives and inculcate in themselves the moral qualities of people of the new society.' This is an exacting task, and as it is not limited to production alone it may have far-reaching social effects in the raising of the cultural and moral standards of the community. (*Loc. cit.*, pp. 106-7.)

### *Art and Science*

Let us now turn to the subject of the relationship of art and science in this nuclear age. While the performances of the Bolshoi Theatre, the Leningrad Orchestra, the Moscow State Circus, and other Soviet companies that have visited this country are proofs that the arts are not being neglected; the space ships speak for science; and the Soviet achievements at the Olympic Games are testimony to their progress in sport; it should not be thought that there is no controversy inside the U.S.S.R. over the rival claims of the sciences and the arts. So great is this that some time ago the main youth paper, *Komsomolskaya Pravda*, ran a discussion on the subject which brought in thousands of letters.

This discussion was launched by Ilya Ehrenburg on the basis of a letter he had received from a girl whom he calls 'Nina,' who

complained that her young man, an engineer whom Ehrenburg calls 'Yuri,' was so obsessed with the nuclear age that he laughed at her enjoyment of poetry.

Ehrenburg's article was a plea for the all-round development of man. He quoted Joliot-Curie as a scientist who loved literature and Chekhov as a writer who also worked scientifically. He went on: 'Socialism does not deny the role of the individual. A collective is a group of individuals, not ciphers. A real Communist society is impossible unless each member is a harmoniously and comprehensively developed individual.' He cites Victor Hugo's phrase that 'science is a ladder, poetry is the beating of wings,' and recalls that in his day Leonardo da Vinci was artist, mathematician, sculptor, engineer, writer, physicist, architect and musician; while Goethe both wrote *Faust* and studied optics, botany and physiology. While 'to-day it is impossible to imagine combining so many specialities, not because geniuses are less brilliant but because every branch of human knowledge has grown more complex,' Ehrenburg concludes that modern man needs work, social ideals, knowledge of the world, close contact with the arts, and 'great love.' 'The arts,' he says, 'must not be allowed to lag behind the sciences. They must play the part of the prophet in society.'<sup>6</sup>

Among the thousands of letters received following this article there was one from a young engineer, Poletayev, who supported Yuri as against Nina and Ehrenburg, writing that: 'whether we like it or not, the poets have a dwindling hold on our souls, and teach us less and less. . . . We live by the creation of the mind and not the emotions, by the poetry of ideas, theories, experiments, and construction.' In the subsequent discussion, public debates were held all over the U.S.S.R. In general, it appears that overwhelming support was given to Ehrenburg's plea for the broadly balanced life.

Pursuing the matter further in March 1960, K. Zelinsky declared: 'I heartily support Ehrenburg when he defends art against the dreary idolatry of engineering.' But Zelinsky sharply criticized him for dismissing Poletayev's attitude as a sort of 'catarrh' or 'brief illness.' He felt that the 'passion for science' had become a 'technocratic psychology' far more serious than just a passing malady. He sided with Ehrenburg in citing examples of scientists who have recognized the importance of the arts and quoted Albert

Einstein's remark that he derived 'the greatest happiness from works of art. It is from these that I draw greater spiritual satisfaction than from any other field.' Einstein had mentioned, in particular, Dostoevsky, and Zelinsky reminds his readers that Dostoevsky is a case in point, as he was a military engineer who had taken a course in higher mathematics.<sup>11</sup>

Another important article at the end of 1959 was by the sculptor, S. T. Konenkov, on the present and future role of art. He considers that the bringing of art to the people in the U.S.S.R. has been greatly furthered in recent years by the organization of People's Universities of Culture which, through evening classes or week-end studies, are raising the critical standards of large numbers of people at the present time. He suggests that the day is not far off when the massive development of amateur art in the U.S.S.R., assisted as it is by the best professionals, 'will exert its influence on professional art.' And he goes on:

Not every year, not even every decade, will produce a Chaliapin, of course. What is more important, however, is that hundreds of people are freshly drawn into art and are learning the joys of real creation. Instead of seeking aimless and boring ways of killing time, they will devote their leisure to spiritual growth. And that is one of the astonishing features of Communist culture.<sup>2</sup>

Attention is also now, at long last, being paid to objects of everyday use, and not only in Moscow but in the distant Republics. For example, a trio of three artists in Tadzhikistan recently published a plea for the traditional arts of their people to be brought into daily life. They wrote:

The greatest and most responsible task of to-day is to bring the 'museum' handicrafts closer to life, to link them with the needs of the people . . . by organizing the manufacture of beautiful articles for the population. . . . The drive for high artistry, for good taste, for beauty in the objects that are used by the Soviet people is one of the urgent tasks confronting the Union of Artists and the Art Fund of the Tadzhik Republic.<sup>3</sup>

#### *Marriage and the Family*

Naturally, in discussing ideas and life, the subject of marriage and the family is receiving considerable attention.

Immediately after the Revolution the main aim was to establish the economic equality of women. It was at that time that certain

Western newspapers published fantastic rumours of the 'nationalization of women.' Civil marriage was indeed made easy, and divorce even easier, since it could at that time be performed at the request of one party to a marriage. At the same time abortion was legalized, illegitimacy abolished, and considerable economic assistance provided for young mothers in the form of four months off work on full pay at the time of giving birth to a child, creches, nursery schools, and a certain amount of financial help.

Since then many changes have taken place. Abortion in the late thirties was made illegal, but has been legalized again in recent years. Divorce has been made more difficult, and now has to be granted by court decision. A current Soviet boast is that while in 1957 their marriage rate was twice that of the U.S.A., their divorce rate was one-third.

At the end of 1959 the main government newspaper, *Izvestia*, published an article by V. I. Kozlov on the question of family happiness. Kozlov opened his article with a description of an actual marriage which had been registered on February 8, 1958, as a result of a proposal made the previous day. On the evening of the marriage the bride decided, according to the official divorce court record, that she had made a mistake.

The admission that such frivolous marriages take place in the U.S.S.R. is followed by a strong plea that all marriages should be preceded by an engagement, of at least three months and possibly six. Kozlov suggests that 'we should fall back on national traditions, on popular customs and present-day ways of life and consider how we can make the engagement and final wedding ceremony a festive occasion.'

This article gave rise to a variety of suggestions. Not only was there a demand for a more impressive civil marriage ceremony, but proposals for the marking of birth, coming-of-age, and various anniversaries with more public celebration. One suggestion was that the planting of a tree in a public place should accompany the birth of each new citizen. At the other extreme, an account was given of a town where regularly, every year, they have a sort of 'Armistice Day' ceremony on a purely local basis, when the whole town pays tribute to its dead. And following the suggestions on the solemnization of marriage, the city of Leningrad has

been the first town in the U.S.S.R. to open a civic 'Wedding Palace.' Moscow has followed suit.

Looking ahead, an article in *Communist* foresees 'an epoch of complete freedom of marriage' which will also be 'a period of consistent monogamy' in which the 'spiritual, moral, and aesthetic side will acquire greater significance than ever before.' The writer, A. Kharchev, sees no reason why 'the wealth and diversity of public social ties under Communism' should weaken marriage and family relationships. 'It will merely be a condition for the fuller realization of its main purpose: to be a bulwark for love and personal happiness and to bring up the young of mankind.'

In one particular respect Soviet morality openly breaks with the Christian tradition. There is no 'cult' of virginity in the U.S.S.R., and we find Kharchev writing:

that when an unmarried woman becomes a mother, she should not be condemned, but she and her child should be given moral support, for it would be unjust to deprive of the right of motherhood those who do not have the opportunity to create a family. Communist ethics are in principle opposed to liaisons which are the result of dissoluteness and irresponsibility, but motherhood on the part of an unmarried woman is often the result of something else—the desire to have and bring up a child, and this has nothing whatever in common with immorality. The State helps such mothers. . . .<sup>3</sup>

#### *The Law and the Citizen*

It is well known that the State Security authorities got out of hand during the post-war period, but it is much less well known in this country to what extent things have subsequently changed. In the first period concentration was on the 'restoration of socialist legality,' but the horizon has now been extended to embrace the objective of abolishing crime in the main within the next fifteen years.

Work in this direction is taking several forms simultaneously: the reduction in the number of criminal offences and the bringing of minor offenders before a so-called 'court of honour' at their place of work rather than formal prosecution. This is now being done, and when the present writer during 1960 accompanied two Soviet visitors to the North of England, and they were shown a magistrate's court where all the cases were of drunkenness, the Russian reaction was: 'They would never be brought to court in

our country nowadays, they would be criticized for anti-social behaviour by a meeting at their place of work. It's much more effective than a fine.'

At the same time, prisons are being closed. Three were closed in Moscow during 1960. And in at least one town the militia (police) have been abolished, their work being taken over entirely by groups of volunteers.

Another aspect is the attention being given to rehabilitating former criminals. This was started by Khrushchev personally about two years ago when he described how an ex-prisoner had come to him complaining of difficulty in getting a job because of his past record. Khrushchev helped him, and since the publication of this there has been a nation-wide move for factories, trade unions and collective farms to 'adopt' released prisoners.

In this connection two articles are of considerable interest. In December 1959 there appeared one by Pavel Nilin, whose book *Cruelty*, on the first years of the G.P.U., earned C. P. Snow's praise two years ago when it first appeared in English translation. The article was based on an actual case of a young sailor who had got involved in a dispute with the police, ending in a fight. He had been sentenced to five years for 'resisting the authorities' (this was during the last years of Stalin), had naturally felt an acute grievance, had escaped, been recaptured, and had begun to be regarded as 'a dangerous criminal.'

However, in the changed circumstances after 1953 he wrote an account of his case to Elena Stassova, the old revolutionary who had been put in charge of investigating appeals against wrongful imprisonment, and secured his release. Nilin concludes his article with the words:

It is all-important that young people, those not essentially bad but who have slipped up and find themselves on trial, should be able with the aid of the court to look confidently and without fear to their State, secure in the knowledge that it can never punish them without cause or prove indifferent to their fate.<sup>9</sup>

And a former judge, L. Sheinin, who also has been writing a good deal in the past few years, published an article in *Izvestia* early in 1960 which he opened by quoting the American, Judge S. S. Leibowitz, who had visited the Kryukovo Corrective Labour Camp in the U.S.S.R. and then written an article in *Time*

magazine. He had contrasted the 'intelligent, humane, far-sighted administration from top to bottom' which he had found there with the 'sullen atmosphere of the average American prison exercise yard. . . . Soviet penologists have learned that the most economical way of handling criminals is to divert them from crime.' Sheinin follows this quotation with a number of recent examples of organizations having helped former criminals to rehabilitate themselves: 'We believe that the final and complete recuperation of those who at one time were stricken with the infection of criminality is not only their private affair but also our common cause.'<sup>5</sup>

And, looking to the future, G. Shakhnazarov speculates as to what will happen when 'courts and similar institutions wither away.' He foresees a 'high level of social consciousness of all members of our future society, to whom the observance of the rules of social behaviour will have become a habit.' He goes on:

We are far from picturing society as some sort of world inhabited by courteous angels with pink wings. Despite their exceptional level of social consciousness the members of Communist society—and our contemporaries and compatriots are destined to be among the first of these—will be men and women with varied needs, sentiments and passions; hence conflicts and a certain amount of clash of opinions and interests are inevitable.

There will not be 'an absence of emotions, but an ability to control them.' In case of 'accidents' and lapses into bad behaviour 'the swift reaction of the public will make it possible to prevent and minimize crime.'<sup>14</sup>

The optimism and confidence which pervade so much of what is being written in the U.S.S.R. to-day, in the moral as well as the material sphere, may seem rather smug to us in the West. On the other hand, much that is written in the West seems to a Soviet observer to be sensational, vulgar, brutal, salacious and pessimistic. It was interesting one day to pass a cinema, advertising the Trial of Oscar Wilde, with an official of the Soviet Embassy. 'Why, when he was such a great artist, do they have to rake up *that* side of him?' was his comment.

The confident forecasts that by the 1980s food and clothing, transport and housing, will have become free social services, and that crime will have become as extinct as typhus or malaria, may appear wildly utopian. But Lenin's forecasts of a very moderate

electrification scheme in 1921 were regarded as utopian by H. G. Wells. The first Five Year Plan, in its turn, was treated at first in the West as fantasy. And at the start of the last war Western experts gave the U.S.S.R. four months to survive the Nazi onslaught. When we now read so many confident predictions in Soviet publications, and find them being discussed among the Soviet people as a whole, it would be folly to dismiss them.

PAT SLOAN

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## MARGARET OLIPHANT A HALF-FORGOTTEN VICTORIAN

A SENSE of sin is an excellent thing in a novelist, besides being conducive to repentance in general. It is evident in most Victorian fiction but too rare in that of to-day, unless in detective novels. When along with this awareness go charity and understanding, the result is a singularly agreeable personality; with more than a dash of irony and cynicism added, the mixture is piquant. All these are found in that unjustly neglected novelist Mrs Oliphant. For the neglect she is partly herself to blame; she wrote, as she admitted, too copiously and too fast, because she had the capacity, and was driven by necessity. She was as matter-of-fact as Trollope about her work, and her cynicism extended to her own talent.

We discover her gradually: through her unfinished Auto-biography, that moving record of a valiant and sorrowful life; her letters, chiefly those to her publisher John Blackwood, which, though neither brilliant nor witty, are revealing; through her novels; and through her articles and reviews in *Blackwood's Magazine*: in these, perhaps, the clue to her character.

Margaret Oliphant Wilson was born in 1828, and spent her first childhood in Lasswade near Edinburgh; she was the youngest of the three surviving children of Francis Wilson and his wife Margaret Oliphant. Her father remains dim: a cold and difficult man, little interested in his children, and with a positive dislike of guests and strangers. Her mother counterbalanced that dourness with a warmth of personality and eagerness of mind which, in her daughter, were enlarged and quickened into artistic talent. There were two brothers, both much older than their sister: Frank—'dearest of companions for so long'—and Willie, no less loving, and loved in return with anxious affection. He grew up with some instability of character of which no details are given, which would seem to have been a lack of balance, of fortitude, of integrity rather than positive vice: a type often portrayed in her novels.

The family moved to Glasgow, then to Liverpool, where Mr Wilson had a post in the Customs House. The father's attitude to guests precluded hospitality; the family's religion—Free Kirk in Scotland, chapel in England—may have discouraged dances.

theatres, and most worldly gaieties. The girl's chief entertainment lay in books: it was a quiet way of life for an ardent young thing. But no austerity could banish romance:

'When I was sixteen I began to have . . . not lovers exactly, but one or two people who revealed to me that I too was like the girls in the poets.' With one of those people there was an engagement; but he went to America and the courtship by letter began to be mutually critical, then quarrelsome, and ended in silence: 'My poor little heart was broken'—for a time; but not without profit for the future novelist.

She began to write for her own and her mother's amusement, and thought only of her mother's and Frank's approval. The first manuscript to be sent to a publisher was *The History of Mrs Margaret Maitland, Written By Herself*: the story of a Scots gentlewoman of the old school and of the Free Kirk persuasion. In later years the author felt 'nothing but shame at its foolish little polemics and opinions,' but there is, in this tale, as she hoped 'some breath of youth and sincerity which touched people.' It was published by Colburn in 1849, and brought her £150: 'It was the most extraordinary joke that ever was! Maggie's story! My mother laughed and cried with pride and happiness and amusement unbounded.'

Among other tributes came one from old Lord Jeffrey in Edinburgh, one of the last to have known Scott and to have lived in the afterglow of Scotland's golden age. His 'letter of sweet praise filled my mother with rapture and myself with an abashed gratitude.' The praise was salted with criticism which retains its savour; he found the book 'injured by the indifferent matter which had been admitted to bring it up to the standard of three volumes'—a flaw that was to recur all through her work.

There followed a brief period in London. The cause was dismal. Willie had gone to college there, to be prepared for the ministry of the English Presbyterian Church; he had fallen into debt and other troubles, and Margaret was sent to untangle his affairs. There was, apparently, no grave scandal, and there was no rebellion. Willie gratefully and docilely accepted his young sister's help and authority. They were good companions, exploring London together; and for the girl there was another companion—their cousin Frank Olyphant, who, with his brother, lodged in the same house.

He was an artist, working especially in stained glass. This friendship was to warm into romance. Willie pulled himself together, was ordained, and appointed to a charge in Northumberland. It was a pretty, peaceful village, and the young minister with his gentle, kindly ways at first did very well. Then rumours of trouble reached his family—again no details are given—and he was brought home 'finally defeated in the battle of life,' to spend his time, pitifully contented, smoking, reading old novels, copying his sister's manuscripts. There were quite a number now: after *Margaret Maitland* came *Caleb Field*—a story of the Great Plague; then *Merkland* and *Adam Graeme* of Mossneuk, both Scottish in setting. *Merkland* is excellent: an early whodunit, narrating the efforts of the heroine, Anne Ross, to prove the innocence of her brother Norman, who has fled the country under the charge of murder. Circumstantial evidence is against him, but Anne, believing his assertion of innocence, sets out valiantly, and with the slightest of clues, to discover the truth; in this she succeeds.

All these novels were written at the table in the family sitting-room while her mother sat by, sewing and talking. She had even less privacy than Jane Austen. Her mother would have been hurt and bewildered by any demand for seclusion.

On a visit, with her mother, to relations in Edinburgh, the girl met the celebrated Dr Moir of Musselburgh, 'Delta' of *Blackwood's Magazine*, and author of *Mansie Waugh*. He introduced her to the Blackwoods, and so began a long working friendship. They published her new novel *Katie Stewart*—a true story of the Forty-Five, told her by her mother, the heroine being her mother's great-aunt. The proofs arrived on the day of her marriage to Frank Oliphant in 1852: a true omen of the future, for the literary and the domestic strands in her life were to be inextricably interwoven.

The young couple took up house in London, Frank with a studio near at hand. It was a happy marriage, though shadowed by the loss of two babies. But the first-born, a daughter, was a beloved joy; and after the two griefs came the birth of Cyril. His mother needed that new rapture, for her old family life was now quite broken. Her own mother had died, after a long illness, her father drifted off alone; Frank Wilson was married, still affectionate but absorbed in his own life, and Willie had somehow found his way to Rome and into some sort of employment. But for a time, young

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Mrs Oliphant knew not merely contentment but an almost ecstatic happiness; she had a gift for throwing off past grief, for resurgence to new life.

They were not wealthy; her husband was a struggling artist; but she herself made £400 a year with her novels and contributions to *Blackwood's*. Even now, she had no sanctum, but used to write in the back drawing-room, interrupting herself often to run downstairs to talk to her husband, or up to the nursery to play with her adorable babes. Long afterwards, she recalled moments of intense, fully realized happiness.

Then the shadows fell. Her husband was stricken with tuberculosis, and must go abroad. In January 1859 the family—husband, wife, two children, and the faithful maid and nurse, Jane—left for Italy. The journey was long, slow, miserably uncomfortable, and they reached Florence in a fog. 'It might have been Manchester.' But it was cheap. It was not a happy refuge; and another baby was on the way. After a time, they moved to Rome, and there found great kindness from one of those eccentric, wandering Scots who so enliven our history: Robert Macpherson, a 'big, bearded, vehement, noisy man, a combination of Highlander and Lowlander, Scotsman and Italian, with the habits of Rome and Edinburgh all rubbed together'—a rich and pungent mixture. A poor artist in every sense of the adjective, he had taken to the new craft of photography with great success. He was among the first to take photographs of Rome. (He gave Willie some employment in his studio.) A Catholic and 'nero,' Macpherson was in high favour with the clergy, and at his house one met priests, artists, patrons of the arts, the 'black' aristocracy, English visitors: a rich and cosmopolitan company, exhilarating to the young novelist, and her entry into the great world. She was never thereafter to be insular or provincial, though some of her most popular novels were of provincial life.

Her husband died in October 1859, leaving her with 'a thousand pounds of debt, two hundred pounds insurance money, some furniture warehoused, and my faculties such as they are'—to support her children. The new baby was born in Rome, in December, christened Francis Romano, known always by the diminutive Cecco. Heart-broken though she was, she could not indulge in mourning or self-pity. She returned to England, to her brother's

house for a little; then went to Scotland, and spent the winter of 1860-1 in Edinburgh. She was exercising her very considerable faculties, but there was a bad patch when everything she wrote was rejected. Then she wrote a story, *The Executor*: 'I sat up nearly all night in a passion of composition, stirred to the very depth of my mind.' It was at once accepted by Blackwood's; and it introduced readers to the little town of Carlingford, which has ever since been on the map of literary England: less famous and familiar than Barchester or Cranford, but part of the same enchanted geography. It was about a will and its executor, John Brown, a lawyer. The testator, an old lady, left him her whole fortune should her missing daughter, Phoebe, fail to appear. Phoebe did not appear; John accepted the bequest, and married a young kinswoman of the old lady—Bessie Christian—who might be said to have a moral claim to the fortune. The glimpse of Carlingford was enlarged and enlivened in two long-short tales: *The Rector* and *The Doctor's Family*; and so developed, over the next fifteen years, *The Carlingford Chronicles*, comprising: *Salem Chapel*; *The Perpetual Curate*; *Miss Marjoribanks*; *Phoebe Junior*. Moreover, about six years later she thriftily took a cutting from *The Executor* and trained it into a flourishing plant: *The Brownlows*.

But that is to look ahead. Mrs Oliphant was now, by 1862, solidly established, never again to lack money, though she was to work often desperately hard to earn it, and to tug very hard to make ends meet. She had little of the reputedly Scots virtue of thrift, and liked to live high, wide, and handsome. She was not quite a best seller, but she did very well. The Carlingford novels captivated a large audience; especially *Salem Chapel*, for it was something new in its essence of provincial and nonconformist life portrayed with genial satire and without exaggeration. 'I knew nothing about chapels' [about as much as Trollope did about cathedrals] 'but took the sentiment and a few details from our old church in Liverpool . . . where there were a few grocers and other such good folk whose ways with the minister were wonderful to behold.'

She now took a house in Ealing, and cheerfulness flowed into her life. The children flourished, her work prospered. While in Scotland she had been urged by the minister of Rosneath, the Reverend Herbert Story, to write a life of that eccentric visionary

Edward Irving, founder of the Catholic Apostolic sect. Dr Story gave her a letter of introduction to Mrs Carlyle, to whom, in her childhood, Irving had been tutor. Calling at Cheyne Row, Mrs Oliphant found only Thomas at home. He received her benignly but could tell her little about Irving. 'The wife,' he said, could tell her more. A day or two later, 'the wife' called.

I went out and found in a homely little brougham a lady with bright eyes and very hollow cheeks. She told me that she had to be out in the open for certain hours every day, and asked me to come and drive with her that we might talk about Irving.

This talk brought Irving vividly to life. To some people Mrs Carlyle was alarming in her quickness, her sarcasm; to this fellow-Scot she was completely sympathetic, reminding her of her mother in 'her wonderful tales, her power of narrative, and the flashes of keen wit . . . and always the modifying sense of humour under all.' The friendship was broken only, but all too soon, by Mrs Carlyle's death. A Life of her is the book we would most wish Mrs Oliphant to have written; for she loved and understood both the Carlys, and Thomas, as well as Jane, showed her his most genial self.

The Irvingites looked hopefully on her as a proselyte, but her interest in their founder was literary and objective. They received the Life without enthusiasm; but it is a sound piece of work, and it aroused her interest in biography. Her future Lives were to be varied: including Dr Chalmers, leader of the Free Kirk; St Francis of Assisi; her own kinsman the extraordinary eccentric, Laurence Oliphant; the Count de Montalembert; the Makers of Florence, Rome, Venice.

Scots visitors and others came to the little house in Ealing, among them Principal Tulloch of St Andrews and his wife, who became the dearest of friends. There was a delightful summer in a cottage at Rosneath. The way ahead looked wide and sunlit; but it led back into the valley of the shadow. In 1863 Tullochs and Oliphants went together to Rome. They were all happy, the children enchanted by the new scenes. Then little Maggie Oliphant was seized by gastric fever, and died, after four days' illness, at eleven years of age: 'She got into heaven without knowing it. . . . I feared from the first moment her illness began, and yet I had a kind of underlying conviction that God would not take my woman-child from me.'

The darkness covered the desolate mother. This was the beginning of her preoccupation with the unseen, which was to find expression in some of her loveliest tales: *The Open Door*; *The Beleagured City*; *A Little Pilgrim in the Unseen*, and others. Her faith endured, but she pondered long, as the broken-hearted always will, on the mystery of death, the gulf which separates us from our darling dead. Her tales of *revenants* are singularly moving, the more so for being without horror or evil. The ghostly return is made in remorse or expiation, or in a loving effort to help the living.

She was tempted to linger in Italy, in an artists' community on Lake Nemi, and it is an alluring picture—that of the quiet little Scotswoman with her strong habits of industry and domesticity, with faithful Jane to tend the fire and watch the pot on the hearth, established on the borders of Bohemia among sundry odd fellow-citizens. There might have been *The Chronicles of Nemi* instead of *Carlingford*. But she resisted the temptation and, after a summer in Switzerland and a winter in Paris, came home. The little Tulloch girls were still with her. Paris proved a tonic. Now, at the height of the Second Empire, it was gay, though not cheap: 'The very air is dear, and to breathe is expensive,' she told *Blackwood*. But she was writing copiously, earning an ample income—just enough for her ample needs.

There was still an anguish of grief, unshared and uncomforted, but again that resilience of spirit, that was part of her artistic vitality, aided her faith and fortitude. Life still had sweetness—in her boys, in her work, in friendships old and new. The latter were more varied than ever, and she entered two worlds in Paris. An introduction to the Count de Montalembert, whose *Monks of the West* she had reviewed in *Blackwood's*, took her among the devout aristocracy; she also found her way to the borders of Bohemia, the *gamine* in her becoming more and more at liberty, making some odd but diverting acquaintances. She looked on irregular friendships with a tolerant eye, amused, mildly cynical. In some of them age had the covering effect of charity: as with Father Mahoney—Father Prout of *Fraser's Magazine*, author of 'The Bells of Shandon'—and 'the old lady about whom he circled,' in a manner that might once have been scandalous in a priest; but now 'they were so old and such *bons camarades*' that innocence invested

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their friendship. 'It was wicked of me, but I fear it amused me'—and that may be held as a key-remark.

On returning to England, she bought a house at Windsor, sending Cyril and Cecco to school at Eton as day boys, sleeping at home: an unusual arrangement to which she persuaded their master, Dr Warre. Within a few years she adopted a second family: her brother Frank, his son, also Frank, and two little daughters. He had failed in business, through incapacity, not dishonour, collapsed in health, and been bereft of his wife; there was nothing else, in his sister's eyes, to do than give him shelter. This she did not grudge; she was, indeed, somewhat complacent about her power to help. It was her particular form of *hubris*. The children repaid her in affection, the girls proving true daughters; Frank, her nephew, would have been her support in every way, being steadfast and solidly clever; but he died young, in India, where he had gone as a civil engineer. With her brother, however, the old ties were broken. 'We had veered far away from each other, and I do not know that I was always kind.' His death at sixty was release, for he was 'worn out, and his life withered away to the barest skeleton of living.'

A family of six dependants—for her brother brought her nothing—meant intenser work than ever, and she performed it—not with grim resolution but with 'a metaphorical toss of the head in defiance of fate and of the austerer demands of art.' Young Frank also was sent to Eton. He did steadily well; her own two, brilliantly. Arthur Benson recalled seeing Cyril come into chapel with the other demi-gods of the Sixth, 'stepping rather jauntily . . . with an expression which seemed at once sensitive, impressionable, whimsical' and hero-worshipped him a little; he was captivated, too, by Cecco's 'animated and, I thought, roguish expression.' Their Eton career was splendid but too easy. After Cyril went up to Oxford 'my dearest, bright, delightful boy somehow missed his footing.' There was probably no positive scandal; only a slipping back, a foolish failure. There was, apparently, a weakness of spirit in him as in her two brothers. His mother realized the hereditary flaw, and blamed herself sadly for having made so light of things: of her own unremitting industry, her efforts to make those ample means; of having made fun of serious, hard-working boys. Cecco too went a little astray, but quickly righted himself. He was a natural

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scholar, and might have had a career in letters; but he had inherited his father's disease of body. Both sons died comparatively young, both unfulfilled; the one through moral, the other through physical weakness.

After Cyril's death, in 1890, Cecco became more and more closely his mother's companion, bound by sympathy of thought as well as by affection. 'I can hear myself say, "Cecco and I." It was the constant phrase.' He died in 1894; his mother lingered until 1897. She was barely seventy, working, as by habit, until the end, a novel and some stories and articles being published in the year of her death and the year after. One work remained unfinished, her *Annals of a Publishing House*, the friendly house of Blackwood.

'The fault, dear Brutus, lies not in our stars'—or only in part. She could have been a better novelist; but temperament, as well as circumstances, drove her to write too copiously, too quickly; 'carelessly' would be too harsh a word, for she is always a competent craftswoman. She could always tell a story, create characters who, if not immortal, or even very often memorable, are nearly always alive and credible. She is very good at presenting human relationships in every degree of affection, antagonism, loyalty, enmity, treachery; in the interplay of character, emotion, and motive. At her best she approaches George Eliot and Mrs Gaskell, and resembles, if she cannot come near, Jane Austen. And it is in an article on Jane Austen (and Miss Mitford) that we find a clue to her own character and artistic disposition.

That 'fine vein of feminine cynicism' so different from 'the rude and brutal male quality' but no less deadly, which she found in Jane, is to be found in herself. Jane showed 'the soft and silent disbelief of a spectator . . . who has learned to give up any classification of social sins, and place them instead on the level of absurdities.' [But we might quote *Mansfield Park* against this!] Mrs Oliphant used sin, and her own vivid sense of sin, to add colour to her narratives: a splash of vermillion on the canvas, a flamboyant trimming on a discreet dress. Jane Austen's cynicism is transmuted into perfect art; Mrs Oliphant's sense of sin could become an artistic flaw. She can hurl her characters into crime, as actors or as victims, for the excitement of it. Sin itself she deplores, showing clearly its tragic consequences, but the 'certain soft despair of any one human creature ever doing good to another' which she

found in Jane Austen is often apparent in her own novels, especially as regards her men. Women now and then do something real and valuable; a woman may indeed save a man, as Oonah, in *The Wizard's Son*, saves Walter. But for men, on the whole, this valiant woman had only a modified use. None of them had ever supported her; she had supported them. In her intimate life, the strongest passions had been the filial and the maternal.

Her sense of sin and her cynicism together produced quantities of sensation. It can be entertaining, but it is not always good art, not always credible, nor are her villains.

There is a fearful scoundrel in *Salem Chapel*, so frightful that his wife, one of the few incredibles, not only leaves him but tries to murder him; what, precisely, he has done we are not told. Novels, being intended for family reading, must not be too explicit, and sex must have its head kept down. Walter Methuen in *The Wizard's Son* is led wildly astray by the 'Wizard' who haunts his family, but we are given no details of his scarlet sins.

Arthur Benson called her an improvisatore, and that is perhaps the best description of her talent and achievement. In an earlier day, or with less education and no need to write, she would, like her mother, have been an inspired story-teller. The conventions of her time circumscribed her; and she was as lavish in her plots as in her spending. Sensation was popular, so she bestowed it largely. *Salem Chapel* could have been a masterpiece of comedy, but she 'farced' it (in the culinary sense) with incredible crime. The best of the Carlingsfords is probably *Miss Marjoribanks*; it is pure comedy of character, and the heroine, who is a pale reflection of Emma, but also a personage in her own right, would have delighted Jane Austen. *Phoebe Junior* has the same astringency; sensation intrudes again, though not so much as in *Salem Chapel*. Neither of these young women is the conventional, ideal heroine; they are both clever, managing, *Miss Marjoribanks* prone to error, *Phoebe* admirably adroit. Neither is cold-hearted, and both win our amused affection.

When Mrs Oliphant concentrates either on mystery and sin or on comedy, she is at her best. In the one class *Merkland* and *The Wizard's Son* are admirable, in the other *Miss Marjoribanks*, *Phoebe Junior*, *The Sorceress*, and *The Richest Heiress in England*. These last two are extremely entertaining, delightfully ironical,

gently mocking. It is when she mixes her two elements that she is at her weakest. With an excellent cellar of wine, she too often dispensed cocktails. There is also the third class—her tales of the unseen in which she comes near poetry. *The Open Door* has the poignancy of a ballad; *The Beleagured City* is a moving parable, compassionate, yet with that 'soft despair,' for its text is: 'Neither will they be persuaded though one rose from the dead.'

She by no means lacked humour; but she kept it too carefully in control. It gleams out from time to time in her novels, and in her reviews and criticism. There is a sudden flash in her review of Trollope's *Last Chronicle of Barsetshire*. Having expressed the disbelief of all right-minded people in the death of Mrs Proudie, she amplifies her assertion. That redoubtable woman did not, as her author vainly declared, suffer from any heart-disease. If she died, it was by murder or at least manslaughter. And it was the Bishop 'who done it.'

A great and beautiful thought! The mind that conceived it could have given us much more entertainment. Jane Austen disciplined her innate exuberance—the almost riotous sense of humour which Chesterton finds in her—into exquisite comedy. Mrs Oliphant too often drew a cloak and veil over her daftness, her *gaminerie*, as she did over her knowledge of evil, over her liking for Bohemia and all its wayward citizens.

Had she lived to-day, how would she have developed? There is the possibility that she would have become a mediocre best-seller, pouring out the same stream of serials, enlarged further by the scope of television and radio. But there is the alternative that having absorbed the modern technique she would have disciplined the form of her work, giving us fewer books but more masterpieces. Her humour, her realism, would have had more freedom. It is possible, too, even probable, that she would have written in two separate *genres*: the novel of romance and comedy; and the detective story. In the latter, strict discipline of form would have been essential; but she had it in her to produce a first-class whodunit.

Whatever might have been, she remains a story-teller, an entertainer of high rank, who should not be neglected.

MARION LOCHHEAD

## 'INEDIBLE LEAVES TO EDIBLE PROTEINS'

LAST year the Food and Agricultural Organization of the United Nations stated that there are in the world to-day 1,800 million hungry people. The population of the world increases by some 40-50 million people each year.

These are figures quoted by N. W. Pirie, F.R.S., head of the Biochemistry Department of the Rothamsted Experimental Station at Harpenden. They appeared in his paper, 'Leaf Protein as Human Food,' published in *The Lancet*, November 28, 1959. He points out that the figure quoted by the F.A.O. is disputed by some governments, 'partly because,' he says, 'their recognition would often tend to indict some government, or system of government.'

He goes on to say that when the knowledge of hygiene and medicine is more widely diffused, the yearly increase in population will exceed the above figures. The obvious answer may well lie in contraceptive measures, but it will be a very long time before political, religious, and emotional factors give way to the idea that contraception is becoming a moral necessity. There is, therefore, with us now an enormous demand for food, and the demand will increase, and go on increasing for many decades ahead.

Can this demand be met by the universal efforts in the way of traditional agriculture? 'All this,' says Mr Pirie, 'is immensely important, but it may not go the whole way.' He bases this view upon the observation that traditional agriculture might well produce the necessary calories, but probably not the necessary *proteins*.

In areas where the need for food is most urgent, farmers tend to produce crops in quantity, which are easiest to grow. But these crops tend to contain a smaller percentage of protein than the balanced human diet requires.

It is pointed out by Nevin S. Schrimshaw and Robert L. Squibb, in their paper, 'Agricultural Implications of the Protein Nutrition Problem,' in *Turrialba*, April-June, 1952, that:

Evidence indicates that only eight amino-acids (methionine, tryptophan, phenylalanine, lysine, leucine, isoleucine, valine, threonine) are necessary for human maintenance, although two more, argine and histidine, may prove necessary for growth. . . . Some plant proteins completely lack one or more of the essential amino-acids, and all fall short of the nutritionally good amino-acid distribution, which characterises food of animal origin. . . .

They also say that the use of cereals with a better amino-acid distribution than that found in varieties now used would result in great improvement in human nutrition.

If these observations are correct, therefore, in regard to the staple foods of corn, beans, wheat, and rice, while abundant production may be achieved, increased consumption does not necessarily supply all the nutritional needs of populations dependent upon them.

Messrs Schrimshaw and Squibb make the further observation that despite the fact that good amino-acid distribution is contained in food of animal origin, the attempt must be made to solve shortages of good, high-quality protein, by the use of vegetable protein; and in this connection they say: 'The utilization of complementary combinations of proteins from locally grown vegetable products is a theoretically sound and immediately applicable procedure.'

*Is protein deficiency a serious problem in world nutrition, or likely to become so? If it is, why cannot the animal population of natural protein providers be increased to meet it?*

Protein deficiency is a serious problem, particularly in tropical countries. A paper, 'Protein Deficiency in Tropical Countries,' was published in *Biology and Human Affairs*, by J. C. Waterlow, M.D. He described how in 1935 Dr Cicely Williams, working in the Gold Coast, dealing with the high incidence of infant mortality, published a description of a disease of infants, which she called by the dialect name, 'Kwashiorkor.' It was due to protein deficiency, and 'was the first clear description in the English language of what is now thought to be the commonest form of malnutrition throughout the world, second only to malaria as a cause of death.'

Subsequently, 'reports on the prevalence of kwashiorkor began to come in from all parts of Africa, Central and South America, India and the Far East'; and after 'ten years of intensive work in Uganda and the Union of South Africa it was agreed that the causative factor was deficiency of protein in general and of milk in particular.'

Reference is made to Jamaica, where there was widespread stunting of growth and a fairly high incidence of frank deficiency disease, and that there, in children recovering from malnutrition, a protein intake of 2 gm per day supported growth at three times the

normal rate. The question of the well-known lethargy of some native populations was raised, and it was pointed out that in the gold mines of the Rand it has been found that it pays to provide generous food to the men, which presumably contains a better balance of protein than the native diets.

The problem does exist now, therefore; it will increase as population increases, and there are grounds for Mr Pirie's fear that normal agricultural production will not meet the protein demand.

The answer to the second question is best answered by Mr Pirie himself. Again quoting from his paper, 'Leaf Protein as a Human Food,' he says:

In some countries, animal products with a higher ratio of protein to calories are used to redress the balance in spite of the animal's inefficiency as a converter. But, as the demand for food increases, we must expect the number of animals kept to diminish—as in war-time Britain, the land will be needed to grow crops that people can eat directly, without conversion in an animal. The importance of animal products in the diets of those who live in the more highly developed countries may therefore be expected to diminish, and it is unlikely that animal protein will solve the problem for those in under-developed regions—that is to say, for the bulk of humanity. As in South-East Africa to-day, animal products are likely to slip generally more into the role of condiments than of foods. Fish could be used more extensively, and so could legume seeds and high-quality leafy vegetables; *but it still seems prudent to look carefully for further extensive sources of protein to satisfy existing and future needs.*

An extensive reservoir of protein does in fact exist—if only it could be tapped. It exists sometimes in vast proportions around tropical populations, who may be suffering from protein deficiency more than anyone else. It exists in the leaves of flora, the roots and fruits of which are unpalatable or inedible, both to animals and humans alike. Mr Pirie says:

Protein extraction from leaves could be useful wherever water is available from steady rainfall or irrigation: for example Guiana, Honduras, Jamaica, West Africa, parts of East Africa, East India, South-West India, Indonesia, and so on; it is just a case of looking at the rainfall map.

Water-hyacinth has spread and is spreading throughout the world where conditions are suitable for its growth, and the problem it presents in navigable water-ways is well known. It has been

used for pig-feed, but vast amounts of money are spent upon attempts to kill it. There are many square miles of it in the Sudan.

There are areas where the tops of sugar-cane are fed to cattle; but the overall picture is that most of them are not used for animal feeding. Banana leaves are of course used for all sorts of domestic purposes—but by no means all of them, or even most of them, in countries where bananas are an important crop. According to Mr Pirie, the possibilities of local leafy plants in West Africa have never been properly examined by the population. The more sophisticated import frozen vegetables, because local leafy plants are despised both by Europeans and the sophisticated Africans, and European vegetables will not grow satisfactorily. They then complain about the high cost of living.

Such wild-leaf sources are readily available, and indeed in regard to such plants as papyrus and water-hyacinth their collection would be in the interests of improving amenities. Apart from areas of abundant wild-leaf production, however, it may be found that while the wild-leaf sources are satisfactory for protein extraction, they are usually upon land unsuitable for cultivation, and large-scale collection therefore a difficulty.

Farm wastes are another large source of protein, some edible, some not, and, as will be shown, we may do better to extract protein from some normal farm crops in the vegetative state, instead of waiting for a harvest of their roots or fruits.

Nothing can be done, however, with autumn-leaf fall, or hard, dry leaves, like those from raspberries or laurel.

These examples give but a mere indication of the possibilities of leaf-protein sources, for only about one hundred of the third of a million known plants play any significant part in nutrition, human or otherwise.

It appears quite obvious, therefore, having regard to the increase yearly of human population quoted, that apart from actual bulk food shortage which may or may not be avoided, the already existing problem of protein deficiency will become more and more acute, unless alternative sources can be efficiently tapped. We turn now to attempts which have been made, and are being made, to do this.

Mr Pirie is at pains to point out that there is nothing novel in attempts to extract protein from inedible green leaves. It was in

fact separated from hemlock by Rouelle in 1773. During the past fifty years, various preparations have been made from a large number of differing species; it was proposed as a practicable idea by Erey and Slade in 1924, but separation on a large scale was not attempted until 1940. Mr Pirie has himself been engaged upon the work since 1935.

As an agricultural journalist, I have myself come across this subject before; in the last ten years at least a dozen groups have had their attempts widely publicized, but none, as far as I can remember, reported ultimate, practical success. I remember one farmer complaining that he had difficulty in feeding the liquid extract to stock.

Of these attempts, Mr Pirie says:

Each has contributed something, but I do not think any of them has really understood the process. That is why making leaf protein still seems to me a research problem that is worth Rothamsted's while pursuing. If anyone else were doing the job competently, we could naturally stop—there are quite enough other things to do, and after twenty-five years, I would welcome a change.

While Mr Pirie as a scientist does not encourage uninformed speculation, it is correct to state that experiments have not only rendered the product reasonably handleable, but machinery has been evolved to handle large amounts of leaf. If the product is going to serve its purpose, it must be handleable, it must be producible in bulk, and it must be acceptable; I think Rothamsted is upon the point of reaching all three requirements.

The facts of the work at Rothamsted, as supplied by Mr Pirie, are these. Of plants readily available, a group of about thirty species has been experimented with, the result being that protein extraction is shown as a practical possibility. Detailed experiments upon tropical and sub-tropical green leaves have not been fully completed, but there has been a superficial examination by Mr Pirie of Jamaican leaves, and a more extended study by his colleague, Miss M. Byers, of Ghanian leaves. Ten to twenty satisfactory tropical species were found. Wild-leaf sources have already been mentioned, and water-plants. The farm wastes found satisfactory at Rothamsted are pea-haulm, and sugar-beet tops, and, as already pointed out, it is Mr Pirie's view that some traditional farm crops harvested in the vegetative state would undoubtedly

achieve a better yielding value by passing them through the protein extractor. Rye, wheat, barley, kale, mustard have thus been successfully used, and of course a variety of material ranging from leaves of broad-leaved trees or wayside plants to weeds such as stinging nettle or dandelions. Sweet potato, sugar-cane, banana, cassava needs further laboratory pre-study to obviate possible difficulties.

In view of what has been quoted in regard to the shortcomings of the amino-acid content of traditional cultivated crops, the constitution of this extract is important. I therefore quote in full from Mr Pirie's 'Leaf Protein as Human Food,' as follows.

So far, leaf protein has been spoken of as if it were a definite entity, but it is in fact a mixture of an immense number of different proteins. This is advantageous, because it is likely that a deficiency of any amino-acid in one protein will be compensated for by the other proteins, so that there will be no extreme deficiencies or excesses in the mixture. It also makes it likely that leaf protein from different species will be similar. The well-known amino-acid deficiencies in some seed proteins can occur, because the protein of seeds is made up of one or a small number of entities. There is no reason to think that organisms ever have a general inability to incorporate an amino-acid in their proteins, so that the absence of, for example, lysine from a seed protein does not lead to the expectation that lysine will also be deficient in the protein from the leaf of that species.

The amino-acid analyses published so far bear out these expectations, and suggest that leaf protein will be a valuable food; as good as the main proteins of the diet, though not as good as the pre-eminent proteins—casein and egg albumen. This expectation is also borne out by experiment. For pigs, the protein is as good as, or a little better than, fish-meal, and so-far unpublished findings with chickens and rats give similar results. (*The Lancet*, December 26, 1959, pp. 1187-8.)

The protein extractor itself is a machine of deceiving simplicity, fortunately requiring no illustration to explain. As can be seen, many years of trial and error have contributed to its efficiency, and it is therefore very advisable that, in order to avoid the repetition of failure some other groups have experienced, bodies or persons interested in the work of protein extraction should consult closely with Rothamsted before attempting extraction themselves.

Basically it is a drum pulper, which will not choke. Fair control over the pulping is achieved by the ability to vary the arrangement and spread of the beater-arms. It is a large machine. A smaller one could be made, but it would be more complicated; in order to avoid the possibility of choking, a pre-pulper would have to be added. Experience shows that it is best to have the larger machine and adjust the running-time. Three such machines have been made by the firm of Messrs Christy and Norris of Chelmsford. The first two were extensively modified, but the third now satisfies Mr Pirie in its basic design. It handles 1 ton of material per hour, and takes 25 h.p.; is electrically powered, and the cost £700-£1,000 'depending on how completely the existing drawings are used in making further units.'

An elevator carries the crop up to the hopper, and this feeds it into the horizontal drum of the pulper. Pulp material flies out from the drum into a cowl, which in turn feeds the pulp onto a circular perforated table. The table carries the pulp round intermittently, and passes it beneath a heavy rubber platten. This is pressed down onto the pulp, and lifted by cams. The juice flows out from under the platten, and spent fibre is scraped off.

Here, briefly, is how the product is processed, so as to be reasonably handleable.

The resultant liquid, dark green in colour, goes through a simple strainer, and coagulation of the protein is achieved by injecting steam. Protein coagulation takes place at 70-80°C. It has been found that protein coagulation is not satisfactory by using immersion heaters, or by heating the juice in a cauldron over a flame. The steaming unit is not expensive, but the steam-raising plant costs depend upon local conditions.

If large-scale production is contemplated, Mr Pirie recommends that the protein be collected in a filter-press; but if it is only proposed to process a ton or so of leaf at intervals, cloth-filter stockings about 2 m long, and 12-16 cm in diameter are adequate. Six to eight such stockings will handle protein from a ton of leaf in a few hours. A hard cake results from pressing the stockings under weights, or under a loaded beam.

Protein intended for use as human food is washed, and this necessitates an efficient stirrer, and a tank of 200-500 litres. Galvanized iron must not be used as a tank, because with most leaf

species, enough hydrochloric acid to get to pH 4 is used at this stage. The protein is then processed as above.

The product is, therefore, in the form of a pressed cake, of about 60% water, with little flavour when fresh, or if kept at -10°C. It is perishable to about the same extent as cheese.

It will, therefore, in a few days at room temperature, change its flavour, and moulds will develop. These changes are not harmful, however.

The product keeps well in deep freeze. It cannot be dried by straight air or heat drying, because it then becomes hard and granular. It can be air-dried, if mixed with meal, flour, or semolina, and this seems to be the line to follow up with maize or cassava flour. Industrial communities could undertake the manufacture from it of a pale brown stable powder, easily incorporated into foodstuffs, but it is an elaborate process. The product does freeze-dry satisfactorily and it can be canned. It may be, therefore, that the best line in areas where the need for protein is greatest is to mix the product with local flours, accept it as a perishable commodity, and to use it as it is made.

Work will shortly be completed upon a batch-type machine which will handle 50-200 kg lots of leaf every half hour. It is not at the time of writing fully satisfactory, but Mr Pirie is confident of eventual success within the next twelve months or so. This is the machine which we hope will form the basis upon which the main object of this research will be achieved—playing its part in relieving the world food problem, now and in the future. But it is also a prospect of great farming interest throughout the Commonwealth and the world, for, being a highly economic means of obtaining protein from farm waste, it is of high nutritive value for feeding stock.

Before going on to its use for human beings—Mr Pirie's main interest of course—we will deal briefly with the apparent possibilities for farm stock. The value of the extract for various animals has been studied at Shinfield, and at the Rowett Research Institute, and the published results of these are still awaited. But amino-acid analyses and feeding experiments upon fowls and pigs are already available, and a quote from figures provided by Mr Pirie does give some indication of the value of the protein, not only for

pigs but also for human beings, since, as Mr Pirie so quaintly puts it, the pig 'is most like us'!

These figures are but part of a table recording the results of a number of feeding experiments carried out at the Rowett Research Institute with pigs. They compare the weight of food eaten to gain 1 lb in weight of the animal, when using white fishmeal as the main protein of its diet, with the weight of food eaten per lb gain in weight when using leaf protein concentrate. Since we are not fattening human beings as quickly as possible for economic slaughter, we will first compare diets which give nearly identical ratios of food eaten : weight gained.

A diet containing 16.1% protein, made up as follows: 60% barley, 30% Miller's offals, 8% white fishmeal, 1.28% mineral mixture, 0.50% Adisco plus Vitamin B<sub>12</sub>, and 0.22% Eurofac, gives the weight of food eaten per lb gain—2.79 lb.

A diet containing 15.5% protein, made up as follows: 60.1% barley, 30% Miller's offals, 6.9% leaf protein concentrate, 2.28% mineral mixture, 0.50% Adisco plus Vitamin B<sub>12</sub>, and 0.22% Eurofac, gives an almost identical weight of food eaten per 1 lb gain—2.78 lb. It will be observed that in the former, 8% of fishmeal was used, as compared with 6.9% leaf protein concentrate in the latter. For the benefit of the animal feeder, these two tables compare growth response of pigs from 35–100 lb as 51 days to reach 100 lb live-weight in the case of the diet using fishmeal, and 54 days in the case of the diet using leaf protein concentrate. However, the time of 51 days to 100 lb live-weight gain is achieved in a feeding mixture of 17.1% overall protein concentrate, containing 10% leaf protein concentrate, which is but 2% more than the diet containing the fishmeal.

Such figures are not quoted to bolster the argument: the full results are available at Rothamsted to anyone interested in the possibilities. They do point to the conclusion that the leaf protein concentrate is, for pigs, as good as or a little better than fishmeal, and since, as Mr Pirie says, pigs are 'most like us' in dietary performance and assimilation, it seems safe to conclude that the concentrate could also provide humanity with an equally high-quality protein intake.

There are, however, as yet no quantitative feeding experiments on human beings. 'Leaf Protein as Human Food,' by Mr Pirie—

and 'The Presentation of Leaf Protein on the Table,' by N. W. Pirie, M.A., F.R.S., and J. E. Morrison, B.Sc., which appeared in *Nutrition*, Spring 1960—deal with this subject of including the protein in the human diet, in some detail. I again quote:

Leaf protein is intended as a supplementary food for use when, for various reasons, the protein content of a diet appears inadequate. At present, the regions of inadequacy are in underdeveloped parts of the tropics, but there is some reason to wonder whether, as populations expand, the need for a novel protein source may not spread to countries such as Britain.

The value of a protein depends primarily on its digestibility and amino-acid composition. Leaf protein, like many other proteins, but unlike casein and egg albumen, is a poor source of methionine; it contains 1.5%. It would, therefore, be a good supplement to a diet in which the other proteins are relatively rich in methionine. The protein of maize is an example, for it contains 2.6-3.3% (Wolf and Fowden, 1957), whereas it is very low in tryptophan, of which leaf protein contains 1.8%-2%.

In the first trials, it seems reasonable that leaf protein should be used to satisfy 10% of the protein need, that is 4 to 8 g per day. This, therefore, is the amount that we suggest should go into each helping, and is not an unreasonable level of supplementation; one-third of a pint of milk contains 6 g of protein, and considerable effort has been put into distributing that amount daily in schools. It is also, approximately, the amount of protein in an egg. We have eaten much larger quantities than this for several days, with satisfaction.

Messrs Morrison and Pirie point out, however, that when much larger quantities are eaten, say 20 g upwards eaten at one time, some chlorophyll may escape complete destruction, thus giving the faeces a greenish tinge; but it is the chlorophyll, not the protein, which has escaped from the body.

The chief difficulty as far as presentation for human diet is concerned is the colour. It is not like the pleasing bright green of peas or properly cooked brussels sprouts: it is darker, even, than spinach *purée*, and if mixed with soup or stew, it renders the meal unappealing. Convention in regard to what food should look like is deeply rooted. Appetite and good pre-digestive preparation of the body is, as we know, a matter of appeal to the eye, and to the sense of smell. In regard to the sense of smell, if fresh, there is none; but the 'eye-appeal' is the main difficulty to be overcome.

In very young children, however, prejudice against the colour of the protein does not exist; they accept the leaf protein without question. Older children notice it, but can be persuaded to taste. A cooking class in Ghana said that it tasted 'different but palatable.'

In regard to the flavour, when fresh, the leaf protein has so little that it is unnoticeable with 'moderate levels of spice or other flavouring agents.' Stored at  $-12^{\circ}\text{C}$  for some months, it will develop a grassy 'off-flavour,' but this can be evaporated off by mixing with water and vigorously boiling for a short time. Some leaves may present a strong flavour, but the protein can be rendered bland by thorough washing.

The time will come when the colour will no longer present the obstacle it does now, because it will be an accepted food, and there will be no prejudice against it due to any unconventionality in its appearance. In the meantime, however, subtlety will have to be used in presentation. Messrs Morrison and Pirie suggest that 'it is worth while trying dishes from foreign traditions of cooking, not only to find a place for leaf protein in the diets of other countries but also to bring a novel, yet well-tried basis for a dish to be eaten in this country.' One would imagine, for instance, that India, one of the countries in dire need of protein supplement in some of its areas, might well present such an opportunity; but it would be difficult at present in Britain, where predetermined ideas as to what constitutes an appetising appearance in common dishes are so rooted that they are the jest—and the horror—of some of our Continental friends.

'The simplest forms of presentation are in some ways the best,' say Messrs Morrison and Pirie. 'Moist protein, crumbled to the texture of Parmesan cheese, is sprinkled by each person over a helping of risotto or some similar dish.'

Used in this way, the granules of protein extract do not blend in and make the whole plateful green, and even if they do, it is a psychological fact that we accept such mixing—if we do the mixing ourselves, and are not presented with the mixture prepared by someone else. This is shown, if we reflect, by other mixtures; stewed fruit and cream is a good example quoted by these two scientists.

The extraction of high-quality edible protein from inedible green leaves has therefore become a practical possibility at Rothamsted. It is shortly to be produced in bulk. There are difficulties in processing the product, but these have been proved to be not insurmountable, particularly in industrialized communities. It may be that the industrialized communities will have to prepare the product for distribution to areas of greatest need; but, nevertheless, it has been shown to be possible to process it in those areas, if it is produced there, provided it is regarded as a perishable commodity and used as made. It seems quite possible that it can be produced in the over-populated and undeveloped areas and so used, and it is a high-quality product of protein. It appears, also, to have possibilities for the animal providers of protein, and can also act as a supplement where agricultural crops may be produced in bulk, but may not yield the balance of proteins necessary for a completely sufficient human diet. Mr Pirie and his colleagues by no means underrate the importance of conventional agriculture in meeting world food problems now and in the future, but it seems probable that the process of extracting edible proteins from green leaves will even have its impact upon conventional agricultural procedures.

Presentation at present seems to be the main difficulty, but none the less much work has been done in this matter. 'The Presentation of Leaf Protein on the Table' concludes with a list of some fifteen recipes which would be acceptable in this country, devised by Miss C. Morton and Mrs W. Duah, and with the remark:

These recipes merely indicate how leaf protein might be incorporated into the diet. We are anxious to increase our repertoire of methods of cooking, and will be pleased to supply material to anyone who can help us to do so, and who can conduct acceptance trials of leaf protein foods.

Having regard to the figures of world population with which we opened this article, it may well be that the most successful acceptance trial will be brought about by necessity; but it is right that Mr Pirie and his colleagues should attempt to disseminate acceptance before that situation is upon us.

NORMAN L. GOODLAND

## ROBERT BROWNING AND GEORGE SMITH

SELECTIONS FROM AN UNPUBLISHED CORRESPONDENCE

TWENTY years after their first joint effort, Browning wrote to his publisher:

19, Warwick Crescent  
W.

Apr. 29. '87.

My dear Smith,

I supposed that there *was* an agreement between you and myself, and one of long standing, that you should give me for my books exactly what you saw fit,—seeing that I have always been sure that you would deal far more generously by me than I should ask or hope for by any arrangement of my own. As for your 'new and improved plan' of rendering accounts—all I can say is, it may be 'new' but 'improved'—in my case—it certainly will not be: and, if I might decide, the old bottles should be retained for the old wine—'20 Port, of its kind, as drunk gratefully by yours ever

Robert Browning.

One cannot follow the career of George Murray Smith (1824–1901) without feeling that he was a man of character, enterprise, achievement, and outstanding in his calling and his time. Considered by many the 'greatest publisher of the Victorian period,' he was the son of the founder of Smith, Elder, & Co., and after the death of his father, in 1846, senior member of the firm.

With unusual cleverness, outside his publishing field, he took to ship-owning, gained a fortune with *Apollinaris*, 'Queen of Table Waters,' and was the last man to be received as an underwriter at Lloyd's without security. By the financial position he attained he was enabled:

not to look too anxiously to the question of whether a book meant profit or loss. I could afford to take risks for the gratification of my own tastes, and to pay prices to authors I liked and for work which I personally admired that a publisher whose livelihood depended wholly on his profits could not afford.

Under his care, Smith, Elder, & Co. published the works of many eminent Victorians: Charlotte Brontë, Matthew Arnold, Wilkie Collins, Darwin, Ruskin, Trollope, and Mrs Humphry Ward.

Few publishers have given books of greater interest and worth to the world—nor shown more imagination in journalistic enterprises. Smith established, in 1860, the *Cornhill Magazine* under the editorship of Thackeray, and five years later founded the *Pall Mall Gazette*. Both broke ground in their respective fields. His most important venture was the publication of the *Dictionary of National Biography*.

Smith's love for his labours as a publisher was partly due to the range it gave to his speculative propensities, but it was due in a greater degree to the opportunities it offered him of developing the friendship of those whose attitude to life he admired. Thus, for more than fifty years he was not only one of the chief influences in a country which helped literature and art to flourish but the intimate friend and counsellor of most of the men and women who produced the literature and art of his time.

The relationship with Robert Browning is an example *par excellence* of the business-social alliance Smith formed with his authors. Their first meeting was in 1844 or 1845 at the home of Thomas Powell, where they were both frequent visitors. In 1846 Browning wrote to a friend who was seeking a publisher: ' . . . I think I render you another [service] by mentioning that "Smith and Elder" of Cornhill, I know (in the person of the principal actor of the Firm, Mr. Geo. Smith Jr.)—to be liberal and honest —very liberal.'

Browning wished to make use of his friendship shortly after he married Miss Barrett. He sent a letter from Italy to Henry Chorley, critic of the *Athenaeum*, containing a message to Smith, asking if he would undertake the publication of his own and his wife's books. Shortly before, an embezzlement of £30,000 was discovered in Smith's firm, and because of this his business affairs were too involved to let him undertake new responsibilities. Much as he would have liked to become his friend's publisher, he was constrained to say 'no' without an explanation.

Following the death of his wife in 1861, Browning returned to England and was soon engaged in assembling a new edition of her poems for Chapman and Hall, who became the Brownings' publisher after Smith's refusal. Wishing to include items which she had contributed to the *Cornhill Magazine*, he wrote to its editor:

1. Chichester Road,  
Upper Westbourne Terrace  
Nov. 28. '61.

Dear Thackeray,

Is there any objection to my reprinting the Three Poems printed in the 'Cornhill'?

I wrote to you, about something else from France some two months ago: you either missed my letter or I lost your reply.

Ever yours truly  
Robert Browning

To this letter Thackeray appended a note to his 'business partner': 'My dear S.[mith] I suppose you can't say no[.] Will you write to B or shall I.' Later the editor crossed through the last sentence and penned in his famous 'second' script: 'I have written to Browning to say you will write to him.' Smith was slow to make his decision.

1. Chichester Road,  
Upper Westbourne Terrace.  
Dec. 12. '61.

Gentlemen,

I wrote a fortnight ago to Mr Thackeray for leave to reprint Three Poems published in the Cornhill Magazine: he answered that 'he would that day send you my note, begging that a favorable reply might be given to it.'

May I ask the favor of such a reply as soon as convenient—as I only wait for it to go to Press.

Your kindness & promptness in this matter will much oblige,

Gentlemen,  
Yours very faithfully  
Robert Browning.

Messrs. Smith, Elder & Co.

Permission was given for the use of these poems. With this footing and subsequent social meetings, Smith and Browning soon renewed their old strong personal friendship.

Browning continued to publish with Chapman and Hall for six years after his return from Italy, although for over twice as many years there were bitter difficulties and misunderstandings. It is felt that only the numerous editions of Mrs Browning's works kept Chapman and Hall in good humour with her husband, whose works never went into second edition with this firm. After Mrs Browning's death Chapman would have been optimistic to regard Browning as a successor to her popularity. He did not trust in Browning's ability to achieve a following sufficient to justify large advance royalties.

Browning believed his unsuccessfulness to be due in part to Chapman's mismanagement; also, he wanted more money and felt that another publisher would give it to him.

In 1865 Chapman published a *Selection* and the *Poetical Works* of Browning, and both met with unexciting results. So greatly did Browning feel that their failure was due to the publisher's poor management that he wrote to his friend, Isa Blagden, the following summer: 'I am profoundly discontented with him, and shall dissolve our connection.' Browning had nothing new to offer the public and was in no need of making an immediate alliance elsewhere. His purpose was to break with Chapman so that he could feel at liberty to offer *The Ring and the Book*, now in the process of composition, to other publishers.

In the following year an empty defence was given by Chapman and Hall:

193, Piccadilly, London, W.  
April 25<sup>th</sup> 1867

*Private.*

My dear Mr. Browning

Since your last letter, I have looked to the dates on which the Selections were ready—

The sheets were delivered to the binder on December 1. 1865—

The illustrations were ready on the 3<sup>d</sup> December—

The binder did not deliver the books to the Trade until December 21—

He asserts that he could not get the brass blocks out of the cutters hands until the 16<sup>th</sup>—

More than once he promised days on which the book should be ready, and which I recollect that I informed you, only to be disappointed by him—he broke his promise with us two or three times—

I did everything that I possibly could to expedite the book, and I never allowed a day to pass without seeing after it.

I can assure you that I was most anxious about it but that I was helpless whilst the mechanic who cut the brass was working at it—I cannot find out exactly how many days he was engaged upon it, but I believe it was more than a month.

Y<sup>r</sup>s most truly  
Fred. Chapman

P.S. The enquiries after your new work are very numerous,—I am, I assure you aware of its importance—There is scarcely a day passes without enquiry for it.

The note which Browning appended to this letter makes it evident that, though the imminent break was well known among publishers and many unusual offers were being made for *The Ring and the Book*, the poet, through the re-established friendship with Smith, which put business dealings on a pleasant footing, had an early affinity to Smith, Elder, & Co.

Dear Mr Smith—I show you this letter for fairness' sake, that having heard my charges you may not be ignorant of what is considered an answer to one of them,—for nothing is said in excuse for—1<sup>st</sup> bringing out the book at all under such circumstances, whosoever had been the fault. 2<sup>d</sup> delaying the new edition till six months afterward—the last week in June.

I hate seeming to act unkindly or capriciously in the matter, and can't help troubling you with this explanatory word—which pray don't answer, but throw the paper into the fire at once.

Yours sincerely, RB

Apr. 26. [1867]

Browning spent the autumn of 1867 working on *The Ring and the Book* at Le Croisic, but was unable to bring it to completion. Upon his return, a settlement with Chapman was further detained for numerous reasons. One is self-explanatory in the following:

Monday M<sup>g</sup>  
[October 21, 1867]

Dear Mr Smith,

I think I ought to tell you for the Pall Mall, what it may hear in due time though not so early, that the Society of Balliol College, Oxford, have just done me the honor of electing me a Fellow,—so writes the Master this morning. It is not quite so important a piece of news as you look for in these rattling times, but you get it *first* and can do what you like with it. I do take it for an extraordinary favor to an unacademical liberal like me,—this caring to not only take me in but give me a voice in their doings. Don't you think so,

Ever yours truly  
Robert Browning.

The meeting of the Society which elected me took place on Saturday.

In early November Browning requested of Chapman an inventory of remaining stock and in the same letter apprised him of a break. Shortly after Chapman's reply Browning asked Smith, Elder, & Co. for terms regarding a publication. As *The Ring and the Book* remained uncompleted and nothing had been offered to the public for some time, Browning desired to issue a new collected edition of his works.

19. Warwick Crescent,  
Upper Westbourne Terrace, W.  
Nov: 11. '67.

Dear Mr Smith,

Mr Chapman wrote to me a few days ago to inform me that he has now 'about 50 copies of my poems,—besides 48 copies of vol: II. and 18 of vol. III.' I have apprised him of my wish to try another publisher for the next edition, and he replies very considerately and amicably.

The present edition,—the Fourth,—is in three volumes closely printed, of 29 lines to the page,—the first volume containing 432—  
the second, 606, the third 466. I should prefer dividing each volume —giving its proportion to the first by incorporating the poems of a similar nature which are published separately as 'Dramatis Personae:' I should also prefer the six volumes as distinct each from the other, purchasable by itself; and in a lighter and cheaper form.

I have now to ask whether you would like to print such an edition, and on what terms?

I am, Dear Mr Smith,  
Ever yours faithfully  
Robert Browning.

Browning wrote to Isa Blagden:

Chapman's behaviour was characteristic to the last: he apprised me 'he had fifty-copies on hand' (as it was stipulated he should, it being a bad thing to let a book get quite out of print) I sent for one of these copies (to reprint by)—no answer,—at last I sent a servant to bring one,—then came the avowal—all were gone. What do you say to that? I am well rid of such a publisher, *I* think.

While Chapman's exact reply is not extant, one may conclude that he was not considerate and amicable as in his earlier letter.

Thursday.

Dear Mr Smith,

I cannot forbear sending the enclosed letter received late last night: you will see how right I was in doubting the authorship and absolute sincerity of the first somewhat jaunty note written on the 9<sup>th</sup>. It is inconceivable how, having the things to say said *here*, the writer should begin by saying that all he sees to remark on, is my apparent discontinuing a call now & then. I don't at all say that had this letter come *first* it would have affected my determination: it would not: but what an illustration it is of the very carelessness & inconsequentiality I complain of. It is also extraordinary that—a sale of my 'good-will' should have been made last year—under the circumstances: seeing that from the time of the printing the Selections, at the end of the year before last, began a feeling of disapprobation

which I was at no pains to hide. Don't trouble yourself to answer this—and return the letter only with the other books: all this, of course, in strict confidence. Yours ever [truly]

Robert Browning.

[continued in the margin]

I have made the proper answer, painful as I found it to make.

Smith, Elder, & Co. gave for this edition of the *Poetical Works* 'exactly five times as much' as Chapman had given for the 1865 edition. Since Chapman had paid £120, Smith, Elder, & Co. must have paid Browning £600, surely an appreciable increase. Browning wrote to Smith on December 10, 1867:

... You need no telling that your offer is a most liberal one which absolutely contents me,—but I need some reflecting on the probability that you understand business, and will not harm yourself by your generosity. All I can say is, that I hope you will be as satisfied with me, in our connexion,—which will, I hope be a long one,—as I am with all your kindness and help, from first to last.

*The Ring and the Book* was finished in 1868 and given to Smith for his consideration. As soon as he had read it, Smith offered, and Browning accepted, £400 for an edition. This offer was afterwards amended by Smith to £1,250 for the rights of publication for five years. Browning accepted the 'very generous offer of terms: if I mention that Macmillan's stipulation was *four* years, not five,—I only do it, to prevent any mis-statement of facts even about such a trifle, since gossips abound.' Browning later presented Mrs Smith with the manuscript of this work, and it now forms an integral part of the George Murray Smith Bequest in the British Museum.

After the publication of *The Ring and the Book*, which brought Browning's fame to maturity, the old acquaintance was sufficiently revived to enable the poet to satisfy an ancient curiosity by saying to his friend: 'I have often wondered why it was you would have nothing to say to me years ago. I wish you would tell me, if there is no reason why you should not.' Hereby a long desired chance was offered Smith to relate the crisis behind his earlier refusal to become Browning's publisher.

Between 1871 and 1889 Smith published fifteen separate Browning volumes, all meeting with varying degrees of success. A source of the 1877 work of *The Agamemnon of Aeschylus* had its unusual beginning with a letter to Smith.

19. Warwick Crescent, W  
Dec. 22. '76.

My dear Smith,

I was reading the wonderful letter of Schliemann, this morning. It strikes me that you, the famous for enterprise, might fancy something of this kind—Bring out an edition of the finest of all Greek plays—the 'Agamemnon' of Æschylus—which, in default of a better translator, I would try my hand & heart at—and illustrate it by photographs of all the 'find' at Mycenæ—including the remains of the City itself. Jowett pressed on me, years ago, to make such a translation, and Carlyle did the same thing a fortnight since: I could manage it, I think: but there want—I go back to say,—the man of enterprise,—so, turn the matter over in your mind, and if nothing is gained by my suggestion, no harm is done at least.

[Ever yours truly

Robert Browning.]

If you *did* incline to the adventure, I suppose you would announce the fact—and so keep others out of the field.

As Browning rose to fame, he was constantly approached with countless requests and queries. Matters concerning copyright adherence or of a business nature, Browning, with much willingness, would '... take the usual and proper course and say I have no voice in the matter, which must be referred to the Publisher.' One such instance was Dr F. J. Furnivall's persistent demand for a cheap edition of the poet's works so that they might have a wider circulation.

... I replied that your opinion was that I addressed a certain good but restricted circle, to which circle the price was a matter of indifference. He rejoined that he should like to print a cheap selection and himself write the preface: whereto I answered that if you agreed to *that*, I should have no objection. What else could I say? Unless things are very much changed, I suppose you will *not* agree!

Five years later, when the 'infallible' Furnivall became co-founder of the London Browning Society, he was in correspondence with Smith concerning, again, a cheap edition. Smith apprised Browning of the situation by sending him Furnivall's letters.

19, Warwick Crescent,  
W.

July 8. '81.

My dear Smith,

I return the unwise letters of Furnivall. He has written to me—engages to 'never write to you again, nor allude to the subject in

his *Prospectus*'—whatever that may mean. I can only suppose that the whole thing is a quite mistaken way of showing his satisfaction at my refusing to side with his enemies the other day. So, pray overlook what, under other circumstances, you might well be angry about.

Once for all,—you know whether I have at any time had the least belief in my poems ever getting *popular*. I hope they will one day justify me in having spent my life in composing them—a gradual increase of readers is a different thing from a sudden leap into the heads, hands and hearts of the 'Public.' I am quite contented with the recognition I get already. Of course, I should prefer '5000 copies of a cheap edition to 500 of a dear one,' if that rate of progress could be kept up unslackened: but the nature of my works makes that altogether impossible. This I know myself: and to go further and suppose that I do *not*—but you *do*—is mere folly: for how could any such increased gain to me be other than a gain to yourself in exactly the same proportion? I say, I should know this by my own reasoning if I had no sort of acquaintance with the character of one of the best and most valued of my friends,—an acquaintance which would stand me in stead of any other knowledge of the subject. I shall therefore beg of that kind friend to add to the so many instances of his kindness that I have in memory—by simply forgetting all about 'Browning' except that he is ever yours affectionately

While he is the aforesaid  
Robert Browning.

\* \* \*

15, Waterloo Place. S.W.

July 9th 1881

My dear Browning

When one's feelings are touched perhaps the fewest words are best—I will only say thank you for your letter. You will understand that my thanks for what you have written to me, come from the bottom of my heart

Believe me  
Yours sincerely and gratefully  
(signed) G Smith

Smith was able two years later to write Browning proposing a cheaper edition. Browning was:

... much pleased at the notion of the cheap Selections: ... Here is a fancy that strikes me,—which I offer merely as such for your consideration. ... I would like more attention given to my other longer poems than they seem to get: what do you say to a new single Volume of Selections exclusively taken from scenes or Portions of 'Paracelsus,' the 'Ring and the Book,' 'Fifine,' and the rest

of them? I could introduce each extract . . . by a short description of the Poem whence it was taken and the place occupied by it. . . . You could either print the volume in the form of the present Selections,—at the same price,—or as a companion to the new ones . . .

Before the poet had a reply to his proposal there appeared, anonymously, an article in the *Academy*:

We hear that Mr. Browning's publisher has at last resolved to yield in some degree to the appeals that have been made to him so persistently by the press and in private the last few years for a cheaper edition of some of the poet's works. A new edition of the two volumes of the Selections is to be published, at 3s. 6d. a volume; and the volumes will be sold separately. Let us hope that a shilling edition will follow next year. That is what is needed.

\* \* \*

15, Waterloo Place. S.W.

My dear Browning

Herewith I send you the two Volumes of Selections from your own and Mr<sup>2</sup> Browning's works in sheets for correction for the cheap edition. Your idea of a third volume of selections from your works is a good one and I would have proposed to you to carry it out and to postpone the publication of the cheap edition but for that unfortunate premature paragraph in the 'Academy' about a cheap edition (the bad effect of which on the present edition of the selection is already being experienced)—As it is I think we must defer the consideration of the third volume of Selections until after the publication of the cheap edition.

I have no idea how the 'Academy' got their information—but from the tone of the paragraph I conjecture that it was written by Mr<sup>1</sup> Furnivall. It would be difficult to say exactly how much that Gentleman's impertinent interference with your works has cost you, but it is no inconsiderable sum. . . .

\* \* \*

19, Warwick Crescent,  
W.

Jan. 1. '84.

My dear Smith,

I was vexed,—far beyond what I should hope *you* were,—by the appearance of that paragraph—and all the more that myself was the unwitting prompter of it. Mr Furnivall called on me at Portland Place on the Sunday after I had seen you and had read your letter about the proposed cheaper edition of the 'Selections'—and I mentioned the fact to him as an instance of your readiness to take any step towards a help to the inculcation of my poems whenever you

believed it was really in my interest to do so: and he altogether approved and applauded,—adding 'The price at the retail booksellers' will be so much—that quite brings their purchase into the power of everybody.' I could not dream he would at once print the news with the offensive comment,—which could answer no possible good end. Of course, I am all the more hampered and embarrassed by the circumstance that, in spite of this blundering, Mr Furnivall means beyond a doubt to do me all the service he is able: it is the old story of the friendly bear who broke the teeth of the man with the stone he meant should brush away a fly that had settled on his mouth. I can only promise that I will try no more bits of propitiation—even should you engage to sell my whole works for a farthing printed in 1000<sup>mo</sup>.

I will at once correct and return the Proofs as soon as possible—meanwhile and ever, believe me—with the best of New Year's wishes to Mrs Smith and your Family,—my dear Smith,

Yours affectionately ever  
Robert Browning

I may tell you, I took occasion only last week, to write to our impulsive F. and beg him to confine his criticism to my writings and leave my doings altogether alone: may he only attend to a very earnest prayer!

George Smith extended to his friend many favours of a personal nature. For example, because of his associations with shipping, he would on occasions arrange for interested friends of the poet to be shown the docks of London. Also, he would supervise the collection and delivery to various London art galleries of paintings sent for exhibition by Pen Browning, the son, from Belgium.

Smith's genuine interest in the artistic abilities of the son is evidenced by his purchase of a portrait of Browning painted in 1882, which now hangs in the Armstrong Browning Library, Baylor University, Waco, Texas. This excellent likeness claimed the attention of a famous contemporary.

19, Warwick Crescent,  
W.

May 30. '82.

My dear Smith,

Could you have the kindness to allow M. Rodin (the Sculptor) to see the Portrait in case it is at Waterloo Place? Pen is desirous that his Master should judge of it.

Ever truly yours  
Robert Browning.

In August of 1889 Browning set out for a third visit to Pippa's country, the Tuscan community of Asolo, ' . . . which I can hardly expect will strike me as when I first put foot there many years ago.' This, however, was not the case. He was so enamoured that he petitioned the civil authorities for leave to purchase a section of land. During his stay there he compiled his last volume of verse, *Asolando*.

Early in November he extended his visit to Venice, where he visited with his son and daughter-in-law at their home, Palazzo Rezzonico. The following letter to his publisher, giving progress of his petition, referring to *Asolando*, and proposing a return to London, is the last extant letter of the poet.

Venice, Nov. 30, '89.

My Dear Smith,

More & more 'thanks'—The new volume looks excellently done, and the other matters mentioned in your letter are very satisfactory.

I had hoped to be back in London long ago, but was detained, first at Asolo and then here, by a curious little affair with the Asolan Municipality—about which they have held meetings as many and as important as if the question were an international one. I got only an indefinite answer yesterday from what was promised to be the final meeting, and am inclined to wait no longer. I hope to return very soon—but your snow-storm is hardly tempting at this moment (11 a.m.) when the sun is shining more brilliantly than ever: it is cold, no doubt, but—Italianly cold.

Before the 12<sup>th</sup> I trust to be back in good earnest. I am glad to expect the little book's appearance so soon. With all kindest remembrances from my Sister and the rest here, I am ever

Affectionately yours  
Robert Browning.

But the 12th found Browning still detained in Venice, having been confined to his son's home with a severe bronchial attack. That day in the Tuscan village a few miles away, the poet's petition was granted. During the evening, a telegram arrived from George Smith apprising him of the publication of *Asolando*: 'Reviews in all this day's papers most favourable, edition nearly exhausted.' Within the same day, the poet died.

George Smith was the first person in England to receive news of Browning's death. A telegram reached him after midnight which he took to Mr Buckle, editor of the *Times*. Thus, the *Times* contained a column with the exclusive news the next morning. Later,

Smith approached the Dean of Westminster about burial in the Abbey, and while the poet's son journeyed to England, the burden of making arrangements for the funeral fell to him. The services took place on the last day of the year, and George Smith's close friendship with Browning was signalized by his inclusion among the pall-bearers.

Smith, Elder, & Co. continued their relationship with the son of the poet, who entrusted his business affairs with utmost confidence to George Smith and his successors. With Pen's death in 1912, at the request of the executors, the publishing firm purchased the Browning copyrights. These copyrights are now in the hands of Sir John Murray, having been obtained with the taking over of Smith, Elder, & Co. in 1917.

Still later, there came to Murray's the bulk of the Browning-Smith correspondence on which this selection is based. This unique collection of letters is, with few exceptions, still intact as George Smith compiled it and, though it has been made available to scholars, remains virtually unpublished. This correspondence, which is numerically the largest the poet addressed to one recipient, excepting his love letters to Miss Barrett, is of paramount importance. Not only does it show that Browning trusted Smith's business procedures without question but reveals that Smith, in turn, relied on Browning for literary judgment. It throws further light on the many faceted personality of Browning, giving detailed accounts of social events, Continental holidays, candid comments of reviews and reviewers, and opinions of the son's art affairs. Letters were chosen for this article which were most perspicuous within themselves and which best illustrated the principal value of the Browning-Smith correspondence—the valid documentation of a congenial business-social relationship between the poet and his publisher.

LACHLAN PHIL KELLEY

## FRANCIS BACON: 1561-1626

THE earliest biographer of Francis Bacon saluted him as the glory of his age and nation and predicted that his memory and works would last as long as the world lasted. His fame has endured at least the passage of centuries since Dr Rawley wrote the praises of his friend. In the seventeenth and eighteenth centuries Bacon's doctrines were profoundly admired, and in more recent periods numerous tributes to the nobility of his vision and to the sustained eloquence with which he delivered it have appeared. The oracular point and weight of his reflections continue to fascinate the common reader. The memorable aphorisms of the *Essays* and of the *Advancement of Learning* still offer texts on all aspects of human experience. What remains, in this four hundredth year of his birth, of his reputation in the history of scientific thought?

Even in the seventeenth century there were sharp disparagements of his ideas, and in the modern period his doctrines have often been criticized. The sterility of the method by which he set such store has been frequently displayed. His claim to be a prophet of science has been dismissed. A distinguished authority on the renaissance of science in the seventeenth century has abruptly declared that Bacon never understood anything of science; his mind was closer to alchemy and magic.<sup>1</sup> Less severe critics have agreed that the advance of the sciences has been little influenced by his writings. On the other hand, some writers have maintained that in the history of science Francis Bacon takes a leading place.<sup>2</sup> The faults and the merits of his philosophy of knowledge are, in short, variously estimated.

It must be admitted that he is not a philosopher according to the tradition of philosophical enquiries in Europe. He has little to say on the metaphysical questions that interest earlier and later philosophers. He candidly declares that he is uninterested in such questions; indeed, he confesses that he does not think them important. It does not matter much to the fortunes of men what abstract notions anyone may entertain relating to nature and the principles of things. It is possible to advance many theories, some of them

<sup>1</sup> A. Koyré *Etudes Galiliennes*, Paris, 1939-40, I.

<sup>2</sup> B. Farrington, *Francis Bacon*, London, 1951, p. 4.

being revivals of ancient doctrines, some of them being new, touching these metaphysical topics, just as it is possible to formulate many theories of celestial phenomena. But for his part, he avows, he will not trouble himself with such speculative and unprofitable subjects.<sup>1</sup> In this unphilosophical spirit he assumes, without further discussion, the beliefs of common sense relating to the distinction between mind and its objects, refuses to be drawn into debates on the impossibility of knowledge, and relegates information concerning the substance of the rational soul to revealed theology. Whether knowledge is possible or not must be settled, not by arguing but by trying and by coming to grips with nature. In his round dismissal of metaphysical enquiries Bacon may be associated with modern positivist philosophers.

Neither was he a notable man of science. He was unaware of the important scientific advances of the time. He makes numerous blunders in his accounts of natural processes. Some of these are excusable in view of the general state of knowledge of the age; some of them are scarcely excusable on this score. It is unfair to hold up *Sylva Sylvarum* as an example of his collection of material for scientific enquiry, for he himself regretted publishing it. Most of it is taken uncritically from ancient or from sixteenth-century authorities. It is a heap of antiquated lore and superstition. But the illustrations with which he supports the method expounded in the *Novum Organum* are hardly less fanciful. It is true, as his defenders have pointed out, that he offers a few prescient suggestions. He propounds a theory of gravity which is remarkable, even if the influence of Gilbert be allowed. He drops prophetic hints on the composition of colours; and he anticipates the discovery that heat is a form of motion. But these fortunate proposals are outnumbered by errors of fact and theory. Bacon, then, was no philosopher, and an indifferent practitioner of science. He would not have been greatly disturbed by either charge. He was uninterested in the 'specious meditations, speculations, and glosses' of the philosophers, and he himself confessed that he had not sufficiently accurate material to warrant legitimate interpretation. What he proclaimed to have discovered was 'the true way of interpreting nature,' the method of induction, which is the key of knowledge. The method has been generally rejected, but it can be

<sup>1</sup>N.O. (= *Novum Organum*), I, 116.

remarked that criticism has tended to overlook interesting passages of the *Novum Organum*, and even to exclude them from modern editions of Bacon's chief work. The famous exposition of the method in the second book, upon which the critics have seized, represents a meagre portion of the complete method that Bacon had in mind. At the end of the work he mentions a number of further procedures to which the scientific investigator must pass in order to complete the method. Of these further 'supports and rectifications of induction' nine are listed in an earlier passage.<sup>1</sup> And of these nine classes of aids to induction only one, the twenty-seven types of Prerogative Instances, is set forth. The new method for the reform of knowledge was never worked out by its inventor.

The critics have tended, also, to ignore passages in which Bacon professes a cautious and open-minded view of his method. At the end of the first book of the *Novum Organum*, for instance, he writes, 'Though I believe that I have recommended some very useful and true precepts, I do not ascribe to it (the method) absolute necessity, as if nothing could be done without it, or maintain that it is perfect.' It must be admitted that he goes on to say that if men had before them a satisfactory collection of evidence drawn from nature and experience and worked persistently on it; and if they could bind themselves to follow two rules, one, to lay aside traditional opinions and notions, the other, to restrain their minds from wide generalizations and their consequences, they would be able by their own intrinsic mental powers, without any further aid, to comply with his form of interpretation. Yet a few lines later he says that he does not mean that no improvement can be made to his precepts. On the contrary, he is concerned with the mind, not only in its own nature but in its union with things, and he is constrained, therefore, to hold that the art of discovery may advance as discoveries advance.<sup>2</sup>

These admissions should be recognized. Yet it is plain that he believed his method to be the best that had been offered. His proposals have been described countless times. To examine them in detail would be a slaying of the slain. The notorious misconception is the belief that it is necessary in scientific enquiry to amass

<sup>1</sup> N.O., II, 21.

<sup>2</sup> N.O., I, 130.

indiscriminately all the data that can be collected on the subject under investigation. A further error is to suppose that when the evidence, let us say on air, meteors, or colours, is arranged in his three tables of presence, absence, and variation, it could be passed through an automatic mill of elimination until the form or cause or essential nature remains. Bacon imagines that this mechanical process would require little acuteness in its practitioners and could be operated by persons of average intelligence.<sup>1</sup> It has often been pointed out that the infinite range of circumstances in which phenomena are found demand a selection in the light of some interest or theory, and that the man of science is usually guided in his choice of evidence by the work of his predecessors on the question at issue. He proceeds to test the hypothesis that governs his choice, and the process of enquiry often consists of a series of tentative theories or working hypotheses, interspersed with provisional demonstrations. Further, the method of exclusions is handicapped by the failure to analyse the 'simple natures' which comprise the facts of Bacon's tables. He rightly supposes that complex substances must be analysed into general qualities, such as heat, light, and weight. But the 'simple natures' are themselves vague and undetermined; and if we do not know whether they are simple or compound, we cannot tell what it is in them that is really connected with some other nature.<sup>2</sup> Bacon's inductive method is useless in science apart from material that has been prepared and selected in relation to some preliminary conjectures or theories. Nor would the method lead to the discovery of causes. Bacon himself declares that his purpose is the discovery of the 'latent process' and the 'latent configuration' in things, but all that he says about entering into the inner chambers of nature points to a method of enquiry different from his laborious way of induction. It points to a method of hypothesis, deduction, and verification.

In the sphere of the exact sciences of his day the glaring error is the disregard of mathematics. The signal advances in physics during the period in which he was devising the doctrines of the *Novum Organum* were achieved by the application of mathematics to phenomena. Men of science had been drawn to measure the processes of nature by the demand for accuracy and also by the

<sup>1</sup>N.O., I, 61.

<sup>2</sup>Bacon candidly admits the difficulty. N.O., II, 17.

need to express the relationships between phenomena in objective, universal, and invariable terms. The calculable relationships discovered by Galileo and Kepler put into the hands of men the power of prediction and control of natural events far more effectively than Bacon's methods were able to do. The successful method was essentially a process of deduction. The measurable properties of natural occurrences were abstracted from other properties and were conceived as operating in an artificially simplified field. The consequences of these abstract relations were mathematically deduced and verified by exact observation and experiment. By applying formal mathematical conceptions and experimental tests to various types of motions, Galileo discovered the fundamental laws of mechanics and at the same time established the classical form of modern scientific method.

Undoubtedly, the greatness of Bacon's work appears most sharply when it is seen in relation to the ideas of his age. No one who reads far in him can fail to be struck by the variety and the range of the criticisms that he heaps upon the traditional ways of thought. Catalogues of errors and false notions that beset the path of the philosopher crowd his pages from the *Temporis Partus Masculus* to the *Novum Organum*. The renowned description of the vanities that intervene among studies in the *Advancement of Learning* is followed by a long chain of 'peccant humours' that affect the proficiency of learning. The account of the four classes of idols that corrupt human understanding in the *Novum Organum* introduces numerous expositions of the vicious demonstrations and the mistaken doctrines that have prevented the sciences from making progress. These, again, are followed by a series of fallacious tendencies which must be guarded against if the mind is to become 'fair and even' in the presence of the facts. Otherwise human knowledge is a mere medley, an ill-digested mass, composed of credulity and childish notions.<sup>1</sup> The long roll of intellectual delusions is repeated in the *Cogitata et Visa*. Confronted with these formidable lists the seventeenth-century reader might well have uttered the prayer of the poet at the spectacle of the ugly monster and her poisonous brood.

'God help the man so wrapt in Error's endless train.'

<sup>1</sup> N.O., I, 97.

The faults that Bacon exposes stand at many levels of enquiry. In the well-known letter to Lord Burghley he speaks in characteristic manner of 'two sorts of rovers, whereof the one with frivolous disputationes, confutationes, and verbosities, the other with blind experiments and auricular traditions and impostures, hath committed so many spoils.' Here he has in mind the scholastic disputationes of the universities, and the credulous practices of the alchemists. Elsewhere, he exposes the stultifying reliance upon ancient authorities, especially upon Aristotle, and the superficial generalizations of experience that take the place of well-established truths among learned men. The *Advancement of Learning* was written to combat a widespread tendency of the time, the tendency to decry human knowledge and to preach the vanity of learning. A charming moralist of the period questions 'whether the progress of learning hath done more hurt, or good, whether the schools have not made more questions than they have decided.' He points to commonwealths that have had no knowledge of letters as examples of peaceable and flourishing communities, and he is inclined to believe that the fruitless discussions of the schools are bones cast among men by the Devil.<sup>1</sup> Another writer declared that ignorance was thought an essential mark of a nobleman. Against the boorish standards of the country gentleman and the pessimism of theologians who believed that human thought was corrupted at its source, Bacon proclaimed the certainty and fruitfulness of knowledge. He turns on academic scepticism and pious despair as he turned on credulity and superstition. In much of his criticism of the traditional learning he is entering a contest that had been raging for a generation. During the latter part of the sixteenth century there had arisen in many quarters a violent revolt against the teaching of Aristotle, and Bacon was drawn into the movement at an early age. Both at Cambridge and in Paris, in 1575 and the following years, he listened eagerly to the vehement attacks of the Ramists on Aristotle; and the publications of his younger period, especially the *Temporis partus masculus*, reflect his unrestrained condemnation of the accepted philosophers of the schools. Such invectives could be paralleled in many other writers.

Yet he expressed the dissatisfaction that many critical minds of his age felt in the orthodox circle of ideas with a compelling force

<sup>1</sup> Henry Peacham, *The Compleat Gentleman*, London, 1622, p. 82.

that sets him high above other critics of the century. He exposed the intellectual breach that had widened between the historic forms of knowledge and the new principles with a vigour unparalleled in the period. His examination of the accepted doctrines reaches far beyond the criticism of his contemporaries. The account of the idols searches deep in the roots of human thought and is an event in the development of reflection. Other classes of false notions that beset men's minds are clearly exhibited for the first time.

This volume of criticism was governed by articles of belief fundamentally at variance with the old habits of thought. The experimental view of knowledge that inspired him from an early age was disjointedly unfolded in more than thirty works, written during intervals between legal and political activity. It embraced a new philosophy of nature, a comprehensive natural history or catalogue of topics, and a fresh method of scientific investigation. In his philosophy of nature he groped towards the mechanistic view of the world which was triumphantly fashioned by the great physicists of the seventeenth century. He imagined that the number of ultimate forms in nature was limited. They resembled the twenty-four letters of the alphabet from which all the varieties of language are composed. These ultimate constituents of bodies were material elements. In that bizarre work, *De Sapientia Veterum*, the ancient poets are praised for holding that all things, including the species of plants and animals, are derived from the motions of matter; the teaching of Democritus, who traced the elements and motions of bodies to material atoms, is preferred to other Greek theories. He argues that the motions must not be taken, in the manner of scholastic thought, as 'appetites for privation' nor as the sympathies and antipathies of the astrologers. Instead of these 'wild generalities' what is required is 'the calculating and ordination of all the degrees, moments, limits and laws of motions and alterations, by means whereof all works and effects are produced.' The same point is made in the *Cogitationes de Natura Rerum*, where it is said that the kinds of motion, properly observed and distinguished, are the bonds of Nature.

Bacon's method was clearly concerned with laws that express the invariant character of phenomena, with the mechanism that underlies the visible world. In short, it was related to genuine scientific ends, not to the pseudo-science of his age. He declared

that inquiry advances from the more local and restricted forms or laws to the most general laws; and he took the bold step of including the wider material laws of nature under metaphysics. Metaphysics, the study of ultimate principles, becomes a general physics. It is possible to describe his vision of nature as a kinematic mechanics. 'It was mechanical in that it interpreted nature, including "spirit," in terms of the local motions of adjacent bodily parts.'<sup>1</sup> But it must be admitted that his directions for interpreting nature in these terms were sadly inadequate, and that his conception of kinematic mechanics was extremely imprecise.

As for the method of scientific inquiry one feature of it at least has been an invaluable legacy to science. Bacon proclaimed with powerful eloquence the importance of making a comprehensive and accurate collection of facts in all departments of natural investigation. He complained that 'no supply or body of instances, whether in number, kind or certainty, adequate to instruct the mind or in any way sufficient, has yet been attempted or compiled.'<sup>2</sup> In a number of writings he himself made a brave effort to bring together and to classify information concerning phenomena. He produced in the *Parasceve ad historiam naturalem et experimentalē* and in the *Catalogus historiarum particularium* long lists of material for investigation, many of which offered tasks for the next generation of natural philosophers. He desired that a multitude of facts relating to winds, density and rarity, weight, sulphur, mercury and salt, life and death be collected as preliminary to the inductive examination of the problems raised by them. To amass data and to propose topics for inquiry, set out in systematic order, was a healthy prescription for his age. There are remarks in the *Parasceve* that could provide excellent texts for modern scientific inquirers. 'Everything relating to natural bodies should be set forth, as far as possible, numbered, weighed, measured, and defined. For it is operation we are in pursuit of, not speculation; and practical work is engendered by the proper combination of physics and mathematics.' These are admirable words, which might have been uttered by Galileo.

A favourite theme was that the men who had most knowledge of things were not the men of theory but the labourers and artisans.

<sup>1</sup> F. H. Anderson, *The Philosophy of Francis Bacon*, Chicago, 1948, p. 303.

<sup>2</sup> N.O., I, 98.

A true acquaintance with the facts was attained by practical craftsmen in agriculture, mining, and instrument-making. In the seventeenth century this was startling doctrine. It compromised engrained mental habits of cultured persons. It offended the philosophic view of natural phenomena, which was founded on truths known by reason, not on practical working derived from handling and watching the physical behaviour of things. It affronted the traditional concern with intrinsic natures and final causes, demanding that academic philosophers should direct their erudite attention to how country folk keep grapes and to measuring the fume rising from a wax candle. 'There is nothing very intricate about the motion of windmills, but yet it is not generally well demonstrated or explained.' To ask philosophers to consort with and to learn from craftsmen and manual labourers disturbed a deep-seated prejudice against 'mechanical arts.' John Evelyn, for all his enthusiasm for the new philosophy, could not tolerate conversing with 'mechanical capricious persons,' and Boyle was forced to defend the manipulation of coarse and repulsive material in his laboratory. Conservative minds were disgusted with proposals of Bacon's disciples for reforming the schools and universities. They derided the suggestion that students should work in chemical laboratories as low, inferior, and empty. But things not words became the password of the educational reformers who were inspired by Bacon.

We have still to consider the famous declarations on the utility of science, the gospel of man's dominion over nature. Here his claim upon the admiration of the modern world seems paramount. He becomes the father of technology, the prophet of the succession of industrial revolutions that have transformed civilization in the last one hundred and fifty years. 'The true and lawful goal of the sciences is none other than this, that human life be endowed with new discoveries and powers.' 'I found no work so valuable as the discovery and extension of the arts and inventions that tend to civilize the life of man.' The father of Salomon's House in the *New Atlantis* explains to the voyager that the purpose of the foundation is the knowledge of causes and the enlarging of the bounds of the human empire. The celebrated letter to Lord Burghley expresses the desire to encourage not only industrious observations and grounded conclusions but also profitable inventions and dis-

coveries. Bacon's most renowned aphorism is that human knowledge and human power meet in one.

This aspect of his ideas has naturally appealed to practical men, and philosophers who dwell upon the active consequences of theory have assimilated his aphorisms to their systems. John Dewey greeted him as a precursor of pragmatism, and Marxists have placed him among the founders of materialism.<sup>1</sup> Historians of philosophy have asserted of Bacon 'that it is in practical utility that he finds the value of knowledge'.<sup>2</sup> But is it true that the practical view of knowledge is fundamental for him? Is it just to say 'that the great idea to which he devoted his life was that knowledge ought to bear fruit in works, that science ought to be applicable to industry'?<sup>3</sup> Can his doctrines be named a philosophy of works?

In recent discussions of Bacon these questions have been carefully sifted. Nothing is clearer in his writings than his rejection of crude utilitarianism. He constantly warns the natural philosopher against the lure of use and profit. In that ingenious exposition of ancient legends, *De Sapientia Veterum*, he declares that it is fatal in science to turn aside, like Atalanta in the race, to pursue the golden apples of profit; and he frequently repeated the simile to point the same moral. The legend of Prometheus is construed to show that if the enquirer desires to receive the measures of the divine bounty, he must put himself at the command of experience. He must proceed deliberately by due method 'and not let any thirst for experiments, either of profit or ostentation seize him by the way.' In the mature teaching of the *Novum Organum* the superiority of experiments of light to experiments of fruit is emphatically asserted. He condemns the way in which inquirers in his day are always turning with precipitate haste to practice and allowing the discovery of true causes and axioms to escape them. The most definite statement on this issue occurs at the end of the first book where he says that the contemplation itself of things as they are, without superstition or imposture, error or confusion, is more valuable than all the fruits of inventions.

When we dwell upon these passages Bacon appears far more

<sup>1</sup> John Dewey, *Reconstruction in Philosophy*, London, 1921; B. Farrington, *Francis Bacon*, London, 1951.

<sup>2</sup> James Seth, *English Philosophy and Schools of Philosophy*, London, 1912, p. 30.

<sup>3</sup> Farrington, *op. cit.*, p. 3.

as the prophet of pure science than as the prophet of technology. The method is more valuable than the applications of the method, the tables of discovery are more interesting than the works which they produce. In one place he even says that little of importance can be hoped from the application of scientific knowledge. Axioms, properly deduced from facts, take precedence over works. Scientific laws and the methods by which they are established often concern him more than 'things of service to the life and state of man.'

At other moments he insisted upon the beneficial inventions to which the discovery of determined connexions would lead. *The New Atlantis* sketches a Utopia of applied science. The Father of the College of the Six Days' Works describes inventions which hint at modern devices. The city of Bensalem enjoys agricultural fertilizers and refrigerators (somewhat inconveniently placed upon the tops of towers three miles high). There are suggestions for the use of water-power and for experiments in horticulture and in breeding. There is mention of instruments that generate heat by motion in which, says the Father, 'we imitate and practise to make swifter motions than any that you have.' This is interesting; and it may please modern readers to discern a prevision of telephones in the Father's references to the 'means to convey sounds in trunks and pipes at great distances,' and they may detect a foretaste of aeroplanes in allusions to 'the progress we have made towards flying in the air, like birds.' Cornelius Drebbel, maker of instruments to James I, was credited with constructing a model submarine which was exhibited in 1620; the reference to 'ships and boats that go under water' may have been derived from this invention.

These predictions and examples of applied science are noteworthy for their system and range. But Bacon, as he himself admitted, was no inventor. The mechanics of his dispensatories, furnaces, and perspective houses are vague and, as practical ideas, compare ill with the schemes of Leonardo da Vinci put forward a hundred years earlier. Here, as elsewhere, his power is shown in the orderly classification of the future tasks of scientific investigation and of the application of science to industry. And the organization of the College of Six Days' Work leaves much to be desired when viewed in relation to subsequent developments of science. The rigid distinctions between the various sections of the College are totally impracticable, and it is safe to say that no

scientific corporation has followed the arrangements which prevailed at Bensalem. The lower grades of professors are prohibited from making any original experiments. They merely collect information. But in one respect Salomon's House enshrines an invaluable example for scientific inquiry. *The New Atlantis* advances the proposal, already put forward in other works, that men of science should unite their labours. They should co-operate with one another in experiments, observation, and theory. In the *Advancement of Learning* it is maintained that the work of science ought to be pursued in colleges suitably equipped for the purpose. A high degree of specialization and division of functions must govern the organization and staffing of the colleges. The colleges would send representatives to make reports on the scientific activities of institutes in other lands, and there would be constant exchange of information with scientific bodies throughout Europe. Manual workers in various trades, Bacon observes, form fraternities among themselves; men of learning ought to form associations in science and scholarship. In such passages the fruitful collaboration between men of science which marks our time is first recommended.

An original thinker requires to be appreciated in the circumstances of his age. His originality lies in questioning principles which his contemporaries take for granted, in viewing familiar truths in a fresh light. When the principles are fundamental realms of experience the alteration of interest which he promotes causes a momentous revolution in ideas. Knowledge, truth, reason are fundamental notions, and the man who effects changes in these notions transforms the culture of his age. Such men are rare. Bacon was such a man; and in order to understand his achievement we must enter into the spirit of his time. We must read the textbooks of philosophy, and plough through the Aristotelian commentaries of the period. We must absorb the natural science of the Schools. It is only within an environment of this learning that we can catch something of the excitement and sense of liberation which many readers of the *Novum Organum* experienced in the decades following Bacon's death. The greatest tribute to him is that he inspired the work of such men in England as Boyle and Barrow and Hooke; and Barrow taught Newton. Bacon's estimate of himself is just; he was the bell-ringer that called the

other wits together. 'It is enough for me if I set the thing on foot.' He splendidly fulfilled his task of instigating the men who followed him to cast away old conceptions and antiquated methods and to pursue the way of experimental science. The prophetic greatness of Bacon in the history of European thought is incontrovertible, and no disdainful criticism of the details of his proposals can overthrow his fame.

We are at length, after more than three hundred years, finally launched upon the scientific civilization that Bacon proclaimed. The conditions of our lives will be so transformed that the intellectual habits of the nineteenth and earlier twentieth centuries will appear as mediaeval as the culture of his time appeared to Bacon. It is probable that the men of the strange new world will often turn to greet the sage who first caught a vision of the modern world. They will remember his confident expectation that 'there still lie within the bosom of nature many secrets of extraordinary interest which have no connection or likeness to anything yet known, but are entirely beyond the scope of the imagination.'<sup>1</sup> Especially, they will repeat the aphorisms that declare his purpose to lay more securely the foundations and extend farther the boundaries of the power and greatness of mankind. Yet they will misconceive his essential doctrine if they overlook the complementary assertion, that he did not seek to dedicate a capitol or pyramid to man's pride, but to found in the human mind a temple in the likeness of the world.<sup>2</sup> To these twin principles of the modern age, science and technology, Bacon made, as he modestly remarked, a not insignificant beginning. And he adds, *exitum generis humani fortuna dabit*, the fortune of the human race will provide the issue.

MEYRICK H. CARRÉ

<sup>1</sup> N.O., I, 109.

<sup>2</sup> *Ibid.*, I, 120.

## THE STORY OF TRADE MARKS

FROM the earliest times man appears to have placed his mark on objects around him, although in the initial stages this practice was probably not for the purposes of trade. The symbols and drawings found in caves were no doubt a combination of the first urges towards art and self-expression, plus in some cases, as time advanced, the beginnings of sympathetic magic. But whatever the impulse behind these drawings, they have proved of great value to archaeologists.

In their own way trade marks are of importance to us. They keep us informed of new ideas and developments in trade and establish certain standards of quality and style upon which we come to rely. Probably most of us have our favourite brands of food, clothes, wines, cigarettes, etc., and this preference, of course, makes the relative trade marks of corresponding value to the owners. The commercial value of some famous marks must be incalculable.

As far back as the sixteenth century some prominent traders used their particular mark or stamp, and it is probably true to say that these were the earliest forms of advertising. But there was no registration then, for English trade mark law did not commence until the early part of the nineteenth century. Provision for the official registration of trade marks was first contained in the Trade Marks Registration Act of 1875. The reason for its introduction was that at that time the courts were overburdened with trade mark infringement cases. The number of trade marks was increasing rapidly, and it was found necessary to provide machinery which would reduce litigation and regularize the use of marks to prevent confusion and deception among all concerned.

The elimination by the Registrar of unsuitable or offending marks thus reduced the congestion in the courts, and in this way principles were established which, with modifications from time to time, have been maintained ever since. These principles have also been closely followed by nations overseas. Even to this day representatives from other countries come to London to study the methodology of British trade mark law.

The Act of 1875 was amended by several subsequent Acts, the

present one being the Trade Marks Act, 1938, by virtue of which the Board of Trade made the Trade Marks Rules, 1938, now amended to the Trade Marks Rules, 1938 to 1961. These Rules constitute a guide in the formal administration of the Act. Both the Act and the Rules are under the control of the Board of Trade and are administered by the Registrar, The Comptroller-General of Patents, Designs, and Trade Marks.

The department of the Patent Office which handles trade mark matters is called the Trade Marks Registry, and is in the charge of an Assistant Comptroller, who acts on behalf of the Registrar.

The number of applications for new trade marks received since the year 1875 is now over 800,000. Many of these have in the meantime 'gone off record' (the official term), but new applications still average between 200 and 300 a week, and sometimes more.

The first application was the now famous Bass Red Triangle trade mark registered in respect of 'pale ale,' and it is reported that the person who lodged it spent the night outside the doors of the Registry in order to secure that distinctive position.

Stated quite simply, a registered trade mark is a mark used by someone exclusively in the course of his trade to distinguish his goods from those of other traders. Its legal character differs from that of a patent or a registered design, for it is the registered trade mark *itself*, as a mark, which is the property of the proprietor, who as such enjoys the right of protection under the Act. Articles of trade (unless protected by a patent or a registered design) may be made or sold by anyone, but the registered proprietor of a trade mark has the right to place his mark on them—to distinguish them as being his make exclusively.

A trade mark may be used by itself, alone, or it may be embodied in an advertisement. Large and small advertisements confront us on all sides, and many of them are quite familiar to us. However, often their composition or lay-out contains features which are not in themselves registrable, e.g. words or pictures which describe, depict, or praise the goods advertised. Some advertisers insert the word 'Registered' just below that part of their advertisement which is actually registered. Many advertisements, of course, do not contain any registered feature.

It is an offence to state that a mark is registered if it is not.

To explain in detail exactly what constitutes a trade mark

within the meaning of the Act would require a large volume, or perhaps two. This does not necessarily mean it is difficult to register a trade mark. It depends entirely on the mark itself. The majority of applications eventually reach registration without undue trouble, whereas others, by their particular nature, meet with technical objection both within and without the Registry.

Axiomatically each mark is unique and as such it is considered on its merits. It may be registered in Part A or Part B of the Register. Broadly speaking those accepted in Part A have a clear and proper claim to such registration, whereas those taken in Part B are not considered to have so strong a claim.

For registration in Part A the following principles apply:

(a) If an applicant wishes to register as a trade mark the name of a company, firm, or individual, this must be in a special or particular manner. An example is the well-known SPRATTS mark, which is depicted in the form of a dog.

(b) The signature of the applicant or some predecessor of his is acceptable.

(c) An *invented word*<sup>1</sup> is also acceptable, but plain English words which are misspelt are not generally considered to be invented. For instance, a mark like NU-LITE is merely the phonetic equivalent of the words 'New light' and could not normally be registered for lighting appliances or goods of like description. Such common words of the language must be kept *free* for use by all traders in the ordinary course of their business. The same principle applies to a device or picture mark coming under (f) below.

(d) A word<sup>1</sup> having no *direct* reference to the character or quality of the goods concerned is registrable, e.g. marigold for bicycles.

But if, as sometimes happens, a composite mark incorporates a registrable feature and an *unregisterable* feature, the latter must be disclaimed, i.e. registration is only granted if the owner admits he has no right to its exclusive use. Such a disclaimer thus leaves the *unregisterable* feature free for use by other traders who might otherwise be embarrassed.

The only exceptions to this rule are special cases in which the applicant supplies substantial statutory evidence from independent and responsible persons engaged in his particular trade proving

<sup>1</sup> Or words.

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that his mark has become well known (i.e. distinctive of his particular goods) by virtue of long and substantial user.

(e) A word<sup>1</sup> which in its usual meaning is a geographical name or surname is NOT registrable. Apart from other considerations, the exclusive use by one trader of a geographical name would embarrass other traders domiciled in the same place who, for the present or at some future date, might wish legitimately to use the name of the area in which their business is situated. The same principle underlies the objection to surnames. Exceptions are only permitted in very special circumstances, e.g. in the case of the names of very remote places or surnames for which there is a claim for distinctiveness by long user.

(f) Any distinctive picture mark or device (or a combination of such with words) is acceptable as long as these conditions are observed.

(g) A mark must also be such that it is not likely to be mistaken for one already registered in the same class(es) of goods, since that would lead to confusion and deception, not only among the public but in trade channels also.

(h) A mark must not deceive the public as to the character or quality of the goods nor be contrary to law or morality or of any scandalous design, and it should avoid any element which might imply royal patronage.

After relating an application to the requirements of the Act, the Registrar causes a search to be made for any identical or similar marks which may already appear on the Register and with which the new mark would conflict.

He also considers the description of the goods on which the new mark is used. There are thirty-four classes of goods in all, and if the mark is for 'foodstuffs,' he will limit his search to those classes. There would be no conflict if the mark applied for, or a similar one, were registered for, say, 'machinery.'

*All* applications which the Registrar accepts must be advertised before they are registered.

If therefore he finds *no* conflicting mark on the Register, the application (if otherwise acceptable) is then advertised in *The Trade Marks Journal*, so that any aggrieved person may lodge opposition

<sup>1</sup> Or words.

to the registration if he is so advised. If, however, the application is not opposed by anyone within one month, it is entered upon the Register and a certificate of registration is issued.

But if the Registrar does find a mark registered for the same kind of goods which is identical with or very close to the new mark, the latter is objected to on that ground.

Occasionally a registered mark is found which, although not too close, might in his opinion cause the owner of it to object to the new mark. The Registrar may then allow the application *only* if the applicant first informs the owner of the registered mark, or, in some cases, secures his written consent to the new mark being registered.

\* \* \*

The Registrar has wide discretionary powers under the Act, but he may not exercise them adversely to any party without first granting him a hearing. When therefore an application is objected to, the applicant is offered a hearing at which he or his authorized representative may appear and argue his case.

If at this hearing the Registrar waives his initial objection (or imposes some alteration or condition accepted by the applicant), the application is then advertised and registered, as already indicated, assuming of course that it is not then opposed by someone outside the Registry when advertised in *The Trade Marks Journal*.

But if after the said hearing the Registrar maintains his objection and the application to register is refused, the applicant can, upon payment of a fee, request him to furnish in writing a statement of the grounds of such objection. When such a decision is requested and issued, it is appealable (1) to the Board of Trade, whose decision is final, or (2) to the High Court, Chancery Division. If that Court upholds the Registrar's decision, the applicant has the right to and may go to the Court of Appeal. If he fails there, he could ask for permission to appeal to the House of Lords, but having been unsuccessful in three Courts he would be unlikely to do so. Some trade mark cases have, however, reached the House of Lords.

If the end result of such an appeal is that the Registrar's decision is reversed (which is sometimes the case), the application is advertised in *The Trade Marks Journal* and, provided it is not opposed,

the mark is eventually entered in the Register. (Details of formal opposition come later.)

As previously stated, marks may be registered in Part A or Part B of the Register. Registration in Part B is usually granted where new marks fail to qualify for the first class rights given by Part A but are considered to have some element for which registration should be granted. Unlike Part A, a registration in Part B never becomes valid (see later). In other words a registration in Part B is open to attack at any time if an aggrieved party is embarrassed by the use of the mark, and the onus is upon the registered proprietor to defend the registration.

The same procedure for registration in Part B applies, however, as for applications in Part A.

Identical or nearly identical marks may not normally be registered by *different* owners for the same or similar goods. It sometimes happens, however, that two makers have for some time been using the same or very similar marks. This is called 'honest concurrent use,' and in certain circumstances which the Registrar or the Court may think fit, registration is allowed subject to any conditions or limitations of use as may be imposed, such being designed to avoid confusion in the minds of the public and trade.

A trade mark may be limited in whole or in part to one or more specified colours, but if it is not so limited it is deemed to be registered for all colours.

Generally speaking it is better for an applicant to engage a trade mark agent experienced in these matters, for although every assistance is given by the Registrar to personal applications, it is not always possible for him to advise on matters which, in his capacity as Registrar, he may subsequently be called upon to adjudicate.

*The Trade Marks Journal* is published weekly, on Wednesday, and contains full details of new applications accepted by the Registrar, with instructions to those who may wish to oppose any of them. The *Journal* also provides current information regarding new registrations and any changes connected with existing ones.

Intending opponents may be the owners of registered or unregistered marks, or those who may, for some reason (e.g. reputation), consider they have good and sufficient grounds of opposition.

A party who decides to oppose a new mark must lodge formal

notice of opposition at the Registry within the statutory period of one month from the date of its advertisement in *The Trade Marks Journal*, or within any extension of that time the Registrar may grant. The Registrar then sends a copy of that notice to the applicant, and if he decides to defend his application he must lodge a counter-statement in reply, a copy of which goes to the opponent.

Each party must then lodge evidence, in statutory form, to support his case, and when that has been done the proceedings are ready for hearing before the Assistant Comptroller.

(If however the applicant does not file a counter-statement, his application is deemed to be abandoned. Similarly if the opponent fails to lodge evidence in support of his opposition, the opposition is deemed abandoned, unless the Registrar otherwise directs.)

On the day of the hearing both parties appear before the Assistant Comptroller and are usually attended by their agents and Counsel or solicitor. A special court room is reserved for these hearings. The applicant's arguments are heard first, then those of the opponent, and finally the applicant has the last say.

In due course the Assistant Comptroller issues his decision in writing, a copy of which is sent to both parties. Within a month (the period is extendable), the unsuccessful party can appeal to the court, but if he does not do so, the decision is then implemented as follows:

- (1) if the Assistant Comptroller has allowed the application, it is then registered upon payment of the usual fee; but
- (2) if he has refused the application, no further action is taken apart from closing the papers and records, but a notice appears in *The Trade Marks Journal* stating that the mark is not being registered.

However, should the losing side decide to appeal, he must file a Notice of Motion in the High Court, Chancery Division, a copy of which is served on the Registrar, whose clerk will appear in court with the relative papers on the day the case is heard. Normally the Registrar is not legally represented since he has already expressed his views in his decision.

The losing side in Chancery may go to the Court of Appeal: and the loser in that Court may ask for permission to appeal to the

House of Lords. If such permission is refused, he can approach the Appellate Committee of the House of Lords asking for permission to appeal to them. Such appeals are rare and the decision of the Lords is final.

As in all court proceedings, costs follow the event, and when opposition proceedings commence, each party is given a copy of the official scale of costs, upon which the Assistant Comptroller bases his award so far as the proceedings within the Registry are concerned. Such an award of costs, however, is of a moderate nature, and as proceedings can be costly to conduct it is clearly advisable for an applicant to exercise initial care in the choice of a mark. That is why it is better to employ an experienced trade mark agent to act for him, and if highly technical matters arise he may advise reference to learned Counsel.

The broad guiding principle is to avoid a mark with an element of deception or with direct reference to the character or quality of the goods concerned, or one which may be laudatory or be confusable with a mark already registered for the same goods or goods of the same description.

The law regarding trade marks (as also patents, designs, and copyrights) is based on a man's rights to have guaranteed to him the benefits resulting from his own property, hence the Act provides machinery for defending it, whether by opposition or, in some cases, by rectification, see later.

As far back as 1880 Lord Justice James ruled that: 'No man is entitled to present his goods as being the goods of another man . . .', and this principle is still upheld by the Registrar and the Court.

Sometimes the proprietor of a trade mark (either registered or unregistered) will commence a *direct* High Court action against someone he considers is infringing his rights.

An action may also arise in the Court *after* opposition proceedings have commenced in the Registry, and this may lead to a postponement of such proceedings until the court action is determined.

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The following matters, stated briefly, relate chiefly to registered trade marks.

*Duration.* The registration of a trade mark is for seven years, and at the end of that time it is taken, in all legal proceedings relating to a registration in Part A, to be valid in all respects unless it was obtained by fraud or has caused confusion and deception. After seven years it may be renewed, upon payment of a statutory fee, for further periods of fourteen years.

*Assignment.* A trade mark may be assigned to another person in respect of some or all of the goods concerned.

*Defensive Marks.* Exceptionally well-known *invented word* marks may be registered in respect of goods which may be allied to the goods of a registration but in which the proprietor does not actually trade. The reason for this is to prevent their use by other traders in respect of goods *not* being those covered by registration, which might well mislead the public into thinking there was a connection in the course of trade and, moreover, be damaging to the reputation of the registered proprietor's business, especially if the goods are of an inferior nature. Such marks, however, are rare.

*Registered Users.* The owner of a registered trade mark may apply for the registration of another person(s) as a user of his mark. The conditions of such an arrangement are designed to ensure that the goods made by the user equal those of the proprietor. Special facilities exist for dealing with variations of the registered user service at the *same* time that an application for a new mark is lodged.

*Alteration of Marks.* Subject to official approval, a registered trade mark may be amended 'in any manner not substantially affecting the identity thereof.'

*Certification Trade Marks.* These distinguish goods 'certified by any person in respect of origin, material, mode of manufacture, quality, accuracy, or other characteristic' from goods *not* so certified. Such marks are only granted by the Board of Trade to bodies or persons who are deemed competent to certify the goods concerned. They are only assignable or transmissible with the consent of the Board.

*Jointly Owned Trade Marks.* Two or more persons may be registered as joint proprietors of a trade mark and enjoy the same rights as for a single person, providing they engage in trade in the same goods together in a joint venture.

*Rectification of the Register.* Provision exists for the 'rectification or correction' of the Register in the case of marks which (broadly speaking) were incorrectly registered, or which for some reason or other wrongly remain on the Register.

Rectification facilities are sometimes invoked when an application has been refused because a similar mark is already registered for the same goods. The applicant for the new mark may decide to approach the proprietor of the existing mark, and then several things may result.

The proprietor may have no further use for his mark and agree to cancel or sell it. In the latter event an assignment could be arranged.

On the other hand he may refuse to part with his mark. If the new applicant then feels, after enquiry, that he has good and sufficient grounds, he can apply for rectification of the Register by removal or amendment of the registered mark. One good ground would be non-use of the mark, which forms the basis of many such rectification cases.

The proprietor, however, may not be traceable: he may be deceased without his mark having been conveyed to another person when his estate was disposed of: or his business may be closed without the mark having been included in the disposal of his assets and goodwill. In any of such cases the new applicant could lodge rectification proceedings with a view to securing removal of the mark which is a bar to his own registration.

When an application to rectify the Register is filed, a copy is sent to the registered proprietor, who, if he wishes to defend his mark, must lodge a counter-statement. A copy of that is sent to the applicant, and then follows evidence on both sides as in opposition proceedings. In due course a hearing is arranged and the Assistant Comptroller issues his decision, which is appealable in the manner already outlined.

If, however, the proprietor does not lodge a counter-statement in defence of his mark, the Registrar may not automatically remove it. In such an event, the applicant to rectify is then asked to submit satisfactory evidence, in statutory form, in support of his claim, and the Assistant Comptroller then issues his decision, but in this case *without* a hearing. Such decisions are also appealable.

If no appeal is lodged within one month, the decision is implemented. If it rules that the mark in question is to be removed from the Register, the necessary entries are made: but if it contains a refusal to remove or amend the mark, no further action is taken and the *status quo* is preserved.

When a mark is removed or amended as the result of rectification, this fact is advertised in *The Trade Marks Journal*.

During the course of such proceedings it sometimes emerges that a third party is interested, usually because the existing mark has been assigned to him without the necessary steps having been taken to have the assignment recorded in the Register. In such cases the new proprietor of the mark can apply for leave to intervene, and if this is granted there are then three parties concerned. Usually, however, in such circumstances the original owner, having no further interest, withdraws, leaving the case to be fought out between the new proprietor and the new applicant. Here, again, the Registrar's decision will be subject to appeal.

As explained, this article only covers the general points connected with trade marks. Registration may be simple and straightforward, or it may be prolonged and contentious, according to the nature of the mark concerned and the quantum of monopoly an applicant may seek to obtain. However, when it is realized how valuable some trade marks have become to their owners, it is easy to understand that anyone who, knowingly or otherwise, seeks to infringe the rights of those marks is likely to meet with stiff opposition.

Legal proceedings in the Registry or in the Court may occupy a day or several days' hearing. The costs involved are naturally high, and those who wish to see for themselves just what such cases may entail will find ample records readily available in the Reference Library at the Patent Office. This library is claimed to be one of the finest of its kind in Europe, and it is open to all.

Although a great writer has said that the only golden rule is that there is no golden rule, it is at any rate true to say that the safe rule in the selection of trade marks is to choose those which are different, distinctive, non-descriptive and non-deceptive.

C. DELVES WARREN

## BOOK REVIEWS

*The Supreme Command, 1914-1918.* Lord Hankey.

*Collecting Antiques.* G. Bernard Hughes.

*The Heyday of Sir Walter Scott.* Donald Davie.

*Edison.* Matthew Josephson.

*The Middle East* (Eighth Edition). Europa Publications Ltd.

*King John.* W. L. Warren.

*On Art and Artists.* Morris Philipson.

*Synge and Anglo-Irish Drama.* Alan Pryce.

*The Basic Writings of Bertrand Russell, 1903-1959.* Robert E. Egner and Lester E. Denonn.

*The Ochre Robe.* Swami Aghananda Bharati.

*The Supreme Command, 1914-1918*, by Lord Hankey (George Allen & Unwin), is the book for which historians and serious students of the First World War have long been waiting. It is a pity that it could not have been published several years ago to correct the many errors in various histories and autobiographies covering the war. But now that it has come it is in full measure (over 900 pages) and a work of the highest importance. Lord Hankey was Assistant Secretary of the Committee of Imperial Defence almost from its beginning, and he soon became Secretary, and in the war he was Secretary of the War Council, the War Committee, the War Cabinet and the Imperial War Cabinet, the Committee of Prime Ministers and various other important committees arising from these. Throughout the war he was, so to speak, at the nerve centre and knew everything that happened. It was he who organized the Cabinet Secretariat and became the first Secretary. As Sir Winston Churchill has said: 'He knew everything; he could put his hand on anything; he said nothing; he gained the confidence of all.' Lord Balfour said: 'I tell you that without Hankey we should not have won the war'; and Lloyd George said: 'He was as essential to our success in the war as any man.' This praise is all well deserved. He takes us through the various preparations for the war and then through the early days of organizing our effort and getting our armies sent abroad. Then came the much criticized operations in the Dardanelles and the all-important freedom of the seas, with what would have been the disastrous Declaration of London if it had ever been put into effect. We are told all about the naval effort, and, incidentally, Lord Hankey says that, from the strategic point of view, Jutland was as important as

Trafalgar, which is a striking opinion. He shows what terrific difficulties there were over shipping and how much depended on that. Then we have the gradual development of the Supreme Command, the war of attrition in France, to which Lloyd George was always opposed; and, incidentally, we get the inner history of his keen desire to get rid of Haig, but he had no one to put in his place, though he did succeed in getting rid of Robertson. We learn a lot about the jealousies and scenes of conflicts between the French and ourselves and between eminent personalities in both countries. Lord Hankey pays a very just tribute to what Asquith did during his Premiership. This is apt to be underrated nowadays. Naturally he assesses very highly what Lloyd George did as the organizer of victory, though he certainly was not always an easy man to work with. A proper tribute, too, is paid to Kitchener and his tremendous importance at the beginning of the war. All the leaders were constantly coming to Lord Hankey for memoranda, appreciations of the situation, and advice for their speeches. He seems never to have had a holiday, and he certainly proved himself invaluable. He writes with complete knowledge of his subject, with judicious impartiality, and with great skill and not a little humour. Beyond all doubt this is a great book.

*Collecting Antiques*, by G. Bernard Hughes (Country Life), is a new enlarged and revised edition of a really valuable and learned work. It aims to be of practical assistance to beginner-collectors and to add to the knowledge of connoisseurs who like to read about things they collect. A review of the first edition said: 'He has chapters on a great variety of things which are sought after by a great variety of collectors. Each kind of collector will find chapters to suit him, and a wealth of critical and historical material.' The variety of subjects includes enamels, pewter, Sheffield plate, firebacks, decanter labels, samplers, lace, ceramics of all kinds, miniatures, old maps, and old prints, and there are further chapters on barometers, paper-weights, snuff-bottles, jade and fans. There are 19 illustrations in colour and many more in monochrome—all reproduced in the best *Country Life* style. The reader is instructed not only in the appearance and history of the various articles but what to look out for and what to avoid. Undoubtedly it is a work

which deserves to be treasured on the shelf of all collectors of any discernment.

*The Heyday of Sir Walter Scott*, by Donald Davie (Routledge), is a disappointing book in spite of its promising title. It aims to controvert the detractors of Scott's fame. An initial essay is so preoccupied with Pushkin that the reader may well wonder when the Scott theme will be presented. Influences by, and similarities to, Scott are examined in works by Pushkin, Mickiewicz, Maria Edgeworth, and other Irish novelists as well as Fenimore Cooper's Leatherstocking Novels. It is the incidental criticisms of Scott's novels with which dissatisfaction is most felt. Too much is made of Scott's slipshod style; it seems odd, too, to write down *Rob Roy* as a failure; and was *St Ronan's Well* as great a success as it is here estimated? On the other hand, the remarks on Scott's device of the framed narrator which re-emerged in Turgenev, Henry James, and Conrad were worth mentioning, and the relation of Cooper, 'the American Scott,' to the Scott tradition has its points.

In connection with the portrayal of Osbaldiston in *Rob Roy* Dr Davie maintains that perhaps the most important question for Scott was: 'Is human nature in all ages the same at bottom under different guises (the Romantic, for instance, perhaps a perennial type, appearing here in the role of commercial speculator); or does history throw up genuinely novel, unprecedented types?' Altogether, however, the inconsistent attitude and the confused reflections are scarcely qualities which make for a rational view of Scott, but if the book should provoke greater attention to Scott's fame and stature it will have achieved at least one laudable object.

*Edison*, by Matthew Josephson (Eyre & Spottiswoode), is a long and comprehensive (some may think unnecessarily long) Life of a world-famous man who started with no advantageous family background and with practically no education beyond what he taught himself; but that was remarkable. In early years he seemed like a rolling stone and went from job to job, apparently with barren results; but it may be said that, all the time, the stone was gaining a surface which attracted a great deal of moss afterwards. He had a mind of infinite variety which turned from electrical work to sonic and optical problems, to mining engineering, to chemistry, and later

to the biochemical mysteries of plant life. His name is famous for electric light, phonography, and many other electrical utilities. He was certainly a slave-driver to his staff, but he slaved himself harder than anyone else and the result was that his family and home life suffered. An American paper has said of this book that: 'It is fascinating, well-worth reading for anyone. For those engaged in research and development and in the commercial exploitation of the results of research and development, to read it is almost obligatory.' That is true: the difficulty lies in the second part of this sentence, because describing the development means using a great many scientific and technical terms which will be entirely beyond the ordinary unerudite reader, who will be interested in the other details of Edison's life; but the technical part occupies a large space. Edison was, undoubtedly, one of the outstanding figures of the age, and his life was a remarkable one and very well worth recording.

*The Middle East* (Eighth Edition) adds to the debt which students of present-day world conditions owe to Europa Publications Ltd. It is a survey and directory of Aden, Cyprus, Iran, Iraq, Israel, Jordan, Lebanon, Libya, Muscat and Oman, the Persian Gulf Principalities, Saudi Arabia, the Sudan, Turkey, the United Arab Republic, and the Yemen. In about 550 large double-column pages an immense amount of geographical, historical, and economic information is given, together with details of the Governments of the different countries, their institutions, industry, schools, politics, etc. At the end of each country is given a useful bibliography to enable further study. There are excellent maps—both colour and monochrome. Perhaps one of the most interesting portions of the work is the Who's Who, because there are so many names one reads about in the papers nowadays concerned with the Middle East, and it is not always easy to place them. In this Who's Who, whether we want to know about King Idris of Libya, President Nasser, General Abboud of the Sudan, or General Kassem of Iraq, or whether we look for less-known names of politicians, scientists, or diplomats of all the Middle East countries, we shall find them here, including former British officials who have served in the area, and famous travellers or archaeologists like Freya Stark or Kathleen Kenyon. Learned people from other countries are included in the same way. Altogether this is a very valuable work.

*King John*, by W. L. Warren (Eyre & Spottiswoode), is an enthralling authoritative reassessment of the King, who in English history has always been judged harshly on personal grounds but rarely in the stance that was really his—the central dominating figure in the midst of a period of intense political realignment and profound and unprecedented social stresses. Dr Warren's study is on the fullest scale both biographical and historical. Research is always enlarging the picture of past history, and Dr Warren has the perfect gift for marshalling his material—accumulated over the sixty years since the last scholarly study was published—into a cohesive whole. He moves his narrative forward at a pace that not only keeps the reader engaged but stimulated. John is shown as the true inheritor of his father's astonishing powers of organization and administration, the possessor of the Angevin energy and ruthlessness that often took on a sour note when recorded by later chroniclers. It is noteworthy how, without making any attempt at popularizing his subject, Dr Warren brings his subject alive. His method really is to present kingship as the active individual centre from which all administrative issues and affairs of the realm are planned and put out as part of the whole. The obvious medieval glitter and easy demonism are neglected for a sense of the importance of a true portrait. John comes out no more likeable as a person but enormously enhanced in stature. The book is a model of research and contains the whole text in translations of *Magna Carta*, and a most adequate section of notes.

At a time when so many writers garner a reputation from so trifling a body of work that all the praise they have heaped on them is absurd: when the experience they draw on seems ridiculously contrived, blear-eyed and tawdry, the range and fertility of ideas and the ease of intellectual communication of Aldous Huxley impresses even more. *On Art and Artists*, edited and introduced by Morris Philipson (Chatto & Windus), is a selection of Mr Huxley's essays on literature, painting, architecture, and music. One thing about them stands out—their concern with intelligence and involvement with life and the creative contribution made to it by ideas. Its time values also are concerned not only with the personal present but draw on the past to intimate the future. Contemporary criticism is analytical and pinpointed to a degree and, so, often

bloodless. Here is something much more satisfying and rich. 'I have preferred to write of art without system, and, so to say, tangentially. Sometimes the art is at the end of a tangent that glances off the surface of some other subject: sometimes the place of origin is a work of art and the tangents shoot out, north, south, east, and west into other fields.' It is very good in a time of drought of objective culture to have this amazingly expressive and stimulating work so well and handily presented.

Mr Alan Pryce, in his *Synge and Anglo-Irish Drama* (Methuen), has attempted a correlation of all the writings, dramatic and non-dramatic, of John Synge with Irish life and drama and that wider context of which they now are a part, European literature. As a background book to the whole Irish literary movement, as an unravelling of an individual thread in that astonishing national texture, as a survey of the interplay of fiercely creative and involved people on each other it will find a welcome place in Anglo-Irish literature, but it has a tendency to be over-elaborate, to take creative results as a little too consciously achieved. It is true that Synge was a questing man—not so much looking for a subject to write about as for a milieu where his inspiration would be spontaneous out of the life that was lived and the way people lived it. In Yeats' words he 'chose the living world for text.' Hence Synge's devotion to the Aran islanders, 'a race passionate and simple like his heart.' But it was only when he found himself in touch with a way of life that was real and meaningful that he became a channel for creation so that men and women sprang from his pen into a life of their own. Mr Pryce's documentation is devoted and full of belief—which any contributive comment must be when dealing with such a concentrated and whole subject such as John Synge.

Lord Russell's output has been enormous and obviously *in toto* far beyond the capacity of the ordinary reader. Now comes *The Basic Writings of Bertrand Russell, 1903-1959* (Allen & Unwin), edited by Robert E. Egner and Lester E. Denonn, which is designed, the editors claim, 'to present a wide portrait of the views of one of the few seminal thinkers of the twentieth century.' The volume runs to 736 pages, still enough to daunt any but the most determined reader. The choice is built round Lord Russell in his

various philosophic guises: 'The Philosopher of Language,' 'The Philosopher of History,' 'The Metaphysician,' etc. Lord Russell has given the selection his blessing in a characteristic way: 'What I have never been able to accept is that the mist itself conveys valuable elements of truth. There are those who think that clarity, because it is difficult and rare, should be suspect. The rejection of this view has been the deepest impulse in all my philosophical work.'

Leopold Fischer was born in Vienna, the son of a retired cavalry captain, and, dropped into the Catholic world for his education, was a very youthful apostate, his instinct being towards Indian philosophy. He was thirteen when he joined the India Club in Vienna, and from then on his feet were on the path that led him, via the Indian Legion—a regiment of captured Indian soldiers formed by the Nazis to fight against the Allies—eventually to India and to monkhood in the Ramakrishna Mission. It is impossible to do justice to the remarkably expansive *The Ochre Robe*, by Swami Agehananda Bharati—Fischer's Indian name—(Allen & Unwin), in a short review. The reader is warned not to be put off by the pervasive egotism. It is a curiously dominant factor in the author's motivation. Yet without his frank self-assurance this unique book would not have been possible. Everything is looked at with a rational eye and assessed with a rational mind, and from that comes a striking picture of Hindu religion as he passed from novitiate to ordination and the ochre robe. Agehananda Bharati never equates monkhood with cloister. His quest is unremittingly intellectual and objective, which allows him to take us with him also and study monastic Buddhism, the teaching of Indian philosophy at Bangkok and on visits to Japan and America. A stimulating book, positive and questing but in no sense devotional.

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